

Wednesday, 8 May 2024

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 2 (10.00 am)  
 3 **LADY HALLETT:** Ms Dodds.  
 4 **MS DOBBIN:** Good morning, my Lady. May I call the first  
 5 witness, please, Lord Peter Weir.  
 6 **LORD PETER WEIR (sworn)**  
 7 **Questions from LEAD COUNSEL TO THE INQUIRY for MODULE 2C**  
 8 **MS DOBBIN:** Lord Weir, can I ask you to give your full name  
 9 to the Inquiry, please.  
 10 **A.** I am Lord Peter Weir of Ballyholme.  
 11 **Q.** Thank you.  
 12 Lord Weir, I think you have a witness statement in  
 13 front of you which --  
 14 **A.** Yes.  
 15 **Q.** -- you signed on 23 January 2024.  
 16 **A.** That is correct.  
 17 **Q.** I'm sorry, I was just going to ask, first of all,  
 18 whether or not you're content that that witness  
 19 statement is true to the best of your knowledge and  
 20 belief?  
 21 **A.** I am content, yes.  
 22 **Q.** Thank you. We're going to move on to hear your evidence  
 23 in just a moment, but I think you wanted to say  
 24 something --  
 25 **A.** It's just very briefly with the indulgence of the  
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1 correct?  
 2 **A.** That is also correct, yes.  
 3 **Q.** I think during that long career you had many roles  
 4 within the Legislative Assembly and within your party,  
 5 and I think those included that you sat on the education  
 6 committee for some time; is that correct?  
 7 **A.** Yes, that is correct, yes.  
 8 **Q.** I think you were chief whip for your party as well; is  
 9 that also correct?  
 10 **A.** That's correct. I think as a result of the various  
 11 roles that I have, it probably gave me a little bit of  
 12 insight that -- I was at a range of different levels  
 13 within the Assembly, so saw perhaps a wide range of  
 14 various aspects, shall we say, of the way that the  
 15 Assembly operated.  
 16 **Q.** All right. I'm sure we'll come back to that in the  
 17 course of your evidence, and I think it's right, then,  
 18 that for a period between 2016 and 2017, you had a role  
 19 as education minister in Northern Ireland before the  
 20 power-sharing arrangements were suspended; is that  
 21 right?  
 22 **A.** That is also correct, yes.  
 23 **Q.** Then when they were restored you came back to that role  
 24 on 11 January 2020?  
 25 **A.** That is correct, and I served in that role then until  
 3

1 Inquiry.  
 2 As both a former Executive member and also on  
 3 a personal basis, I feel it is important before we move  
 4 into the detailed evidence, I want to express my sorrow  
 5 to all those who suffered in whatever way through the  
 6 pandemic, and particularly to pass on my sympathy to the  
 7 families of those who lost loved ones during the  
 8 pandemic. I appreciate that the hurt will not be healed  
 9 and that nothing that any of us can do can bring back  
 10 those loved ones, but I hope that as a result of this  
 11 Inquiry, while I think we all hope and pray that there  
 12 will never be a repeat of the pandemic, hopefully  
 13 perhaps it can lead to lessons learned that can mean  
 14 that if we do ever find ourselves in that terrible  
 15 situation again, that however we tackle it can be done  
 16 in a better way to what has gone before.  
 17 **Q.** Thank you.  
 18 Lord Weir, can I begin then please by asking you  
 19 a little bit about your political career. I think it's  
 20 correct that from 1998 until about 2022 you were  
 21 a member of the Legislative Assembly in  
 22 Northern Ireland; is that correct?  
 23 **A.** That is correct, yes.  
 24 **Q.** And I think that you were, and you remain in fact,  
 25 a member of the Democratic Unionist Party; is that  
 2

1 June of 2022.  
 2 **Q.** So across the course of your career, had you always had  
 3 an interest in education?  
 4 **A.** I think it was something that I'd always had a level of  
 5 passion. I feel that ensuring -- one of the best things  
 6 that we can do as a society is to try to give better  
 7 life chances to our children and young people, so it was  
 8 always something, even before I took up a formal role  
 9 that I had a considerable level of interest in.  
 10 **Q.** In terms of the powers that you had as the Minister of  
 11 Education in Northern Ireland, it's an accepted matter,  
 12 isn't it, so does that mean within Northern Ireland that  
 13 the minister effectively has full powers in relation to  
 14 all matters relating to education, or is there a limit  
 15 to that?  
 16 **A.** Well, I think there's a limitation, I suppose on --  
 17 maybe on two grounds. As subject matter, I suppose it  
 18 may be helpful to the Inquiry, education now would  
 19 cover -- the department would cover most of the issues  
 20 that were there in other jurisdictions. I think the one  
 21 very major distinction in terms of direct role is that,  
 22 other jurisdictions, education would also include third  
 23 level education of further and higher education. It  
 24 isn't -- that is within the Department for the Economy  
 25 here.  
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1 And I think that whenever we say that there is  
2 a full control, the nature of the power-sharing  
3 arrangements and the checks and balances within  
4 Northern Ireland mean that anything that is done is much  
5 more subject to a duty to bring things to the Executive  
6 and get Executive approval, so there is perhaps much  
7 less of an opportunity that if a minister -- if any  
8 minister is so minded, for them to go on a -- more of  
9 a -- call it a solo run or have a wider, more unlimited  
10 authority.

11 **Q.** All right.

12 Just coming back then to those matters that fall  
13 within the responsibility of the Department of  
14 Education, you've already made the point that it was  
15 limited to essentially education prior to university and  
16 college; correct?

17 **A.** Yeah.

18 **Q.** So up until the age of 18?

19 **A.** That is correct, it would cover most aspects of  
20 childcare or elements of preschool education, primary  
21 and secondary education, and also youth services, and  
22 specifically also then special schools and special  
23 educational needs.

24 **Q.** Yes. And I think it's also right, just in terms of  
25 comparison to other parts of the United Kingdom, that

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1 without me being in place, but that may be a different  
2 issue.

3 I think particularly within a suspension there is  
4 an opportunity and a responsibility on government  
5 departments to carry on with the work that is ongoing.  
6 I think in particular for the Department of Education,  
7 because there are certain legal decisions that need to  
8 be taken at times, there is a -- I suppose a necessity  
9 for the department to be a little bit more proactive  
10 than some of the other departments.

11 So, for example, in the absence of a minister --  
12 a minister would take a decision on whether a particular  
13 school had to permanently close or a new school be  
14 opened by way of what they call a development proposal.  
15 In the absence of a minister, that would have been then  
16 been able to be carried out by the department itself  
17 through the permanent secretary. So I suppose it meant  
18 that some of the constraints that would maybe have been  
19 there on some of the departments weren't quite as acute  
20 as they would have been with regard to the Department of  
21 Education.

22 **Q.** So during the period of suspension, may we take it that  
23 there were no major policy issues, for example, or  
24 challenges like that that the department faced that  
25 required a minister to be in position in order to

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1 the Department of Education in Northern Ireland doesn't,  
2 for example, have a specific remit in relation to child  
3 protection or a general remit; any role that it has in  
4 child protection would be limited to the education  
5 sphere. Is that correct?

6 **A.** That would be correct. I think as regards issues around  
7 child protection and, for example, in terms of, broadly  
8 speaking, vulnerable children, that is principally  
9 within the remit of the Department of Health.

10 **Q.** Yes.

11 So just coming back, then, to the situation as you  
12 met it in January 2020, what you've said in your witness  
13 statement -- and I don't think I need to take you back  
14 to it -- is that it was -- it's your view that the  
15 suspension of power-sharing arrangements between 2017  
16 and 2020 did have some negative impacts, but that these  
17 effectively, and I'm summarising, shouldn't be  
18 overstated. Is that right?

19 **A.** That would be correct. Do you want me to expand on it?

20 **Q.** I was going to just ask you a little bit about that.

21 First of all, I think you make the point in your  
22 statement that in terms of the Department of Education,  
23 it had been able to function without a minister being in  
24 place. Is that correct?

25 **A.** Yes. People may say that maybe it functioned better

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1 deal --

2 **A.** No, I think the position across the board was that  
3 government departments were to carry on all their  
4 functions, they carry on where decisions need to be  
5 made, but I think from a policy point of view the idea  
6 was that the departments would not initiate new policy  
7 or separate policy that would not have been there  
8 before.

9 **Q.** Yes. The question was: is it correct, then, and should  
10 we proceed on the basis that the Department of Education  
11 didn't have any major policy challenges during the  
12 period of suspension that it wasn't able to deal with?

13 **A.** I think that that would be accurate, yes.

14 **Q.** The Inquiry has heard evidence that in respect of the  
15 Department of Health that wasn't the position, that  
16 there was a need for radical reform and that there were  
17 funding issues that meant that there were issues about  
18 not having a minister in place, and that these played  
19 out during the response to the pandemic.

20 Is that something that you take any issue with, or  
21 would challenge?

22 **A.** No, I wouldn't challenge it. I think in my evidence  
23 I suggested that, as regards the Department of Health,  
24 I think they focused in, whenever it came to the  
25 pandemic, that that was very much the focus of their

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1 resources and actions.

2 I think the absence of a minister meant that the  
3 process of reform was clearly slowed or at least went to  
4 a full stop during that period, and it -- what are  
5 probably the implications during the pandemic was the  
6 department was less resilient to be able to deal with  
7 other issues whenever the pandemic hit. So, in that  
8 sense, it was sort of a more indirect than an absolutely  
9 direct effect.

10 **Q.** So would you agree with the proposition that the  
11 response of the Department of Health after January 2020  
12 to the pandemic was conditioned by the fact that there  
13 hadn't been that ability to reform during the period of  
14 suspension?

15 **A.** Clearly -- clearly it was not something that was  
16 helpful. I suppose the only thing to put slightly in  
17 a level of context, that even if there had been  
18 an opportunity of reform, I think any form of health  
19 service reform is something that will be a very long  
20 process over quite a number of years. I suppose the  
21 only question is a little bit of a moot point, that had  
22 there not been -- had there been ministers in place, how  
23 far along the line would we have reached by 2020, but  
24 certainly there is nothing to which there was going to  
25 be an advantage through there not being ministers, if

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1 Another thing that you said in your witness  
2 statement, and this is at paragraph 6, and I hope I can  
3 fairly characterise it as scepticism on your part about  
4 the paper that had been drawn up on 22 -- or certainly  
5 it's dated 22 January 2020, which was the paper that  
6 said that Northern Ireland was 18 months behind the  
7 other parts of the United Kingdom in terms of its  
8 sectorial ability to respond, and that was in the  
9 context of pandemic flu preparations.

10 **A.** Well, I would say a couple of things in relation to  
11 that. Firstly, I think getting -- certainly for the  
12 Department of Education from 2008, there was a major  
13 emergency response plan. There was in place -- as  
14 I understand it, the Department of Health had  
15 responsibility, if you like, for any form of pandemic  
16 preparation. So there was no reason for that to be  
17 delayed.

18 I suppose where my scepticism would have been is the  
19 extent to which, within any jurisdiction, you would have  
20 had ministers who would have been very hands-on in  
21 emergency preparation prior to that. I think most  
22 ministers will tend to find that a lot of their  
23 bandwidth is taken up by simply firefights of what is  
24 happening at that particular moment within their  
25 department, or indeed by way of looking at very big

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1 I can put it that way.

2 **LADY HALLETT:** Wasn't there cross-party support for reform?

3 **A.** There was cross-party support, but I think there's  
4 a tendency to find that, whether it's health service  
5 reform or any sort of reform, it is perhaps easier to  
6 get a cross-party support than when the rubber hits the  
7 road of implementation.

8 People can buy into the concept, for instance, of  
9 health service reform, but if that leads to, then, a  
10 hospital in their local area being shut, it's remarkable  
11 the extent to which that level of commitment then tends  
12 to dissipate.

13 **LADY HALLETT:** The devil's in the detail.

14 **A.** It is. It is indeed in that regard.

15 **MS DOBBIN:** But I think it's right there was a programme for  
16 reform that had been drawn up off the back of the Bengoa  
17 report, and as we understand it, but maybe it's not  
18 right, that programme of reform was something which was  
19 agreed between ministers --

20 **A.** That is correct. I suppose, again, the only issue is  
21 that it would have been relatively sort of strategic in  
22 its nature and therefore broad brush. I think there  
23 would have been probably a certain level of difficulties  
24 whenever we moved into the detail of that.

25 **Q.** All right.

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1 strategic issues that are in front of them that have to  
2 be dealt with, such as be it health reform or a cancer  
3 strategy.

4 I think -- what I'm saying is I'm a little bit  
5 sceptical that had there simply been ministers in place,  
6 that a lot of time would have been spent on scenario  
7 planning of potential events that could happen into the  
8 future, but I would have expected that whatever work  
9 that was needed done on that should have been one that  
10 should have been done by officials in that regard.

11 There may be others in terms of the detail of what  
12 preparation work was done who would be better placed to  
13 be able to give a more detailed response to that and  
14 maybe contradict what I've said.

15 **Q.** But do you take any issue with the suggestion that,  
16 certainly at the start of 2020, there were serious  
17 issues about contingency planning in Northern Ireland,  
18 and, for example, the fact that the arrangements hadn't  
19 been reviewed for over 20 years?

20 **A.** I wouldn't -- I wouldn't disagree with that. I wasn't  
21 particularly aware of that at the time, but there was  
22 nothing I could necessarily disagree with that --

23 **Q.** You've foreseen my next question which was to ask  
24 whether or not ministers were aware in those first  
25 months of 2020 that in fact these papers had been

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1 generated, or certainly communications were being  
2 generated, about some of the challenges that contingency  
3 planning was facing?

4 **A.** I wasn't aware of that. I think as there was  
5 a potential remit from the Department of Health, and  
6 probably to some extent the Executive Office, there  
7 might have been more awareness of that, but certainly  
8 I wasn't aware of that within the Department of  
9 Education.

10 **Q.** I just want to show you one of the documents just to  
11 perhaps illuminate some of the things that were being  
12 said, Lord Weir, and again to ask you --

13 **A.** Okay.

14 **Q.** -- about general awareness.

15 If we could please go to INQ000205712.

16 **A.** Yes. Could you possibly slightly enlarge that?

17 **Q.** Yes, sorry. I would be helped by that as well.

18 Thank you.

19 **A.** Okay.

20 **Q.** Lord Weir, I think this document was in your -- I know  
21 you had many papers to look at.

22 **A.** Yes.

23 **Q.** But I think that this was in your bundle, and I think  
24 this is the document -- so we can see at the start, it  
25 sets out that civil contingencies hadn't been reviewed

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1 also reviewing civil contingency arrangements in  
2 relation to the Republic of Ireland as well.

3 If we could carry on, please, to just look at  
4 paragraph 13. So we can see there policies and  
5 procedures and processes are out of date and no longer  
6 fit for purpose.

7 Please, if we may just go down a little bit again,  
8 we're getting to one of the points that I particularly  
9 wanted to ask you about, Lord Weir, that the review that  
10 was proposed in February 2020 was also going to examine  
11 the role and responsibilities of the Executive in  
12 relation to civil contingencies as well.

13 So I think can we assume, then, that in terms of  
14 this paper, did you only see this paper for the first  
15 time when you were preparing for the Inquiry?

16 **A.** Yes, that would have been correct.

17 **Q.** And to the extent that this paper may suggest that civil  
18 contingency arrangements in Northern Ireland were in  
19 quite a parlous position, is that something that --  
20 I mean, would you have been aware of that at the time,  
21 or had an understanding as a minister, that there might  
22 be serious challenges as of or in and around  
23 February 2020 in relation to that?

24 **A.** I think from the, call it the background in terms of  
25 civil contingencies, no, I would not have been aware of

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1 for over 20 years and lacked investment.

2 I think if we -- please, if we scroll down and,  
3 for example -- thank you. I'm just going to pause  
4 there, Lord Weir. There's reference there to a futures  
5 report which the Inquiry has seen that had made 85  
6 recommendations for improving civil contingencies  
7 arrangements. That paper had been generated I think in  
8 autumn 2019.

9 Again, was that something that you were aware of at  
10 the time, or did you know that that work had been done?

11 **A.** No, I wasn't aware of that at the time and therefore  
12 didn't know whether that work had been done or not done.

13 **Q.** Thank you.

14 If we could scroll up, please -- sorry, scroll down  
15 to paragraph 7, perhaps. So, for example, just in terms  
16 of the paucity of staff, Lord Weir, we can see reference  
17 there to the civil contingencies branch in  
18 Northern Ireland only having five members of staff.

19 At paragraph 9, we can see some of the strategic  
20 issues that were regarded as being of concern, and  
21 there's reference to there being a compelling rationale  
22 for commissioning a strategic review at that time.

23 If we could please just look at page 5, thank you,  
24 we can also see, Lord Weir, this paragraph. This  
25 suggests that there's certainly a particular interest in

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1 it at that stage.

2 **Q.** Would you have expected to know about that, as someone  
3 who had responsibility for a very important -- I know  
4 all departments are important, but education being  
5 obviously a department of --

6 **A.** Yeah. I assume that whatever arrangements were there  
7 were potentially fit for purpose. Yeah, I think it's  
8 something that I think it would have been helpful if  
9 I had been made aware of but I wasn't aware of at that  
10 stage.

11 **Q.** Just -- this is obviously timed or the proposal that  
12 there would be a review is in February 2020, when  
13 obviously government in Northern Ireland was beginning  
14 to respond to the oncoming pandemic. Again, would you  
15 have thought it important that ministers were aware that  
16 there were these challenges or that policy was regarded  
17 as being, if one takes this at face value, deficient or  
18 not fit for purpose, that that was something of some  
19 consequence or importance?

20 **A.** Certainly, I think with the benefit of hindsight,  
21 I think it would have been -- would have been very  
22 helpful in that regard, but, as I said, I wasn't aware  
23 of it at the time, but I would agree with your  
24 proposition.

25 **Q.** All right. I just want, again, and maybe as we move on

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1 in your evidence there will be a chance to explore  
2 this --  
3 **A.** Okay.  
4 **Q.** -- in greater detail, but one of the things, Lord Weir,  
5 that this paper was suggesting, or might be thought to  
6 suggest, was that there wasn't clarity around the role  
7 of the Executive Committee when it came to contingencies  
8 or emergencies.

9 Is that something that you would recognise or  
10 perhaps in hindsight something that you would recognise?

11 **A.** I think in terms of the Executive having overall  
12 responsibility for all non-devolved matters, which would  
13 have included civil contingencies, I'm not quite clear  
14 where there would have been any particular lack of  
15 knowledge or -- maybe lack of knowledge wrong way to put  
16 it, but any level of ambiguity as to what any role of  
17 the Executive would be, so I'm not quite clear where the  
18 question mark about the role of the Executive would be  
19 on that.

20 **Q.** It might be thought, and again we may come to this,  
21 for example, the Civil Contingencies Group that the  
22 Northern Ireland Protocol civil contingencies foresees,  
23 was supposed to be a decision-making part of the  
24 structure, and I think that, as the Inquiry understands  
25 it based on reports that were written during the course

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1 of March. The first main presentation that we received  
2 as an Executive on the pandemic, or what became then the  
3 pandemic, I think was on 2 March. I think from the  
4 point at which then that became clear, I think the  
5 Executive really became the key decision-making body in  
6 that regard.

7 Prior to that, internally the Civil Contingencies  
8 Group I understand had met on 20 February, and there  
9 would have been a representative of my department  
10 I think at that -- at that meeting.

11 In terms of the broader bit of who was dealing with  
12 the potential pandemic was largely within the Department  
13 of Health, and there probably wasn't a great deal of  
14 information or clarity up until really the end of  
15 February. It may well have been that, as regards what  
16 was happening and maybe the level of data was quite --  
17 it was quite a confused picture in the run-up to the  
18 beginning of March, and it wasn't necessarily clear  
19 whether we were facing a pandemic, whether this was  
20 a more severe just form of a flu infection, or whether,  
21 as had happened on a couple of occasions before in the  
22 past, it was a health scare which then didn't  
23 materialise into that. But the level of information  
24 I suppose that came to ministers other than health and  
25 possibly TEO was very, very limited where information --

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1 of the pandemic, there was a question mark as to whether  
2 that group could fulfil that role, and that effectively  
3 the Executive Committee became that decision-making body  
4 but perhaps in a way not foreseen by the arrangements.

5 **A.** Well, I think that, again, maybe this is  
6 differentiation, that the role of any Civil  
7 Contingencies Group should be one which maybe deals with  
8 a range of operational matters and is an opportunity for  
9 co-ordination. Policy should always be set in the --  
10 certainly in the circumstances in which devolution has  
11 taken place, should always rest I think with the  
12 Executive itself, because that is the properly  
13 democratic accountable body.

14 **Q.** Maybe as we move on, we can have a look at that in  
15 greater detail.

16 But just turning back to your statement, and you  
17 deal at paragraph 14 with the timing of the civil  
18 contingencies arrangements and when they were stood up  
19 in Northern Ireland, and the Inquiry knows that they  
20 were effectively stood up on 18 March.

21 Prior to that date, who -- in terms of ministerial  
22 understanding, who was driving the response to the  
23 pandemic up and until that point?

24 **A.** I think probably the distinction, in terms of timing,  
25 would have been pre-March, and then from the beginning

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1 any information that I was able to react to that did  
2 come my way, we took whatever precautions we could  
3 within the department on a few issues, but there was  
4 very, very little --

5 **Q.** Okay.

6 **A.** -- that was talked about.

7 **Q.** I was just going to come, if I may, and deal with some  
8 of what you've said chronologically.

9 Perhaps if we could look at INQ000176129. Thank  
10 you. This was a memo that was sent to you, or  
11 a submission that was sent to you, on 13 February.  
12 I think if we just scroll down this, please, I think you  
13 were asked to give consent, which you duly went on to  
14 do, for there to be legislative provision made for the  
15 closure of schools. Is that correct?

16 **A.** That is correct. I felt that it was important that  
17 while this was a precaution, and it was a precaution  
18 that I hoped would never have to be put in place, that  
19 this was a very sensible route to ensure that if we  
20 needed to act at speed that it could be done. The  
21 alternative in terms of legislation would have been to  
22 try to put something through the Assembly. But  
23 I suppose I was acutely aware that if we reached a point  
24 at which we had to respond very quickly to the issues  
25 around what was happening, that it couldn't be something

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1 which was delayed by having to go through particular  
2 procedures, and I suppose the very specificity as  
3 regards closure of schools, there was potentially a grey  
4 area, but if you were looking to temporarily close  
5 a school as opposed to permanently close it, I think  
6 there was a little bit of a grey area as to who had  
7 direct power or legal responsibility. I felt it was  
8 important that we had -- there was, if you like, that  
9 option that if something needed to be activated that it  
10 could be done without levels of any delay and any  
11 potential damage.

12 And I suppose the other thing I would say just in  
13 relation to the issues that were before there, when we  
14 were talking about closure of schools, it was not  
15 necessarily envisaged there was the possibility that  
16 they might have to close across the board but by the  
17 fact that it was a clear cut power to close schools, it  
18 could -- there may well have been a situation in  
19 which -- because, for example, particularly if there was  
20 an outbreak in a particular area that what may needed to  
21 be done was closure in a particular area or of  
22 a particular school. So --

23 **Q.** Yes.

24 **A.** -- it was felt -- I felt it was -- and I agreed with the  
25 submission that it was very important that that was

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1 in very similar circumstances took different decisions.  
2 **Q.** Yes, but I think obviously at this stage, officials in  
3 your department and you were already in the process of  
4 planning for the potential closure of schools. You  
5 understood that that might --  
6 **A.** I understood it was a possibility. It was something  
7 that I clearly didn't want to see happen, but I felt  
8 that it was the sensible precautionary thing to do, to  
9 at least ensure that there was clarity around the power  
10 to do that, and a feeling that if that was something  
11 needed, it may be something that would have to be  
12 activated very, very quickly.  
13 **Q.** I wonder if I could look, please, and if I could ask to  
14 be brought up on screen, paragraph 9 of your witness  
15 statement. Thank you.

16 And perhaps if we could just highlight the first  
17 part of paragraph 9, so maybe just on page 4. And  
18 I think what you say there, Lord Weir, is that:  
19 "Prior to March ... most of us looked on with some  
20 apprehension albeit without much of an understanding of  
21 what was to come. In particular there was no real  
22 anticipation of the scale or duration of what we would  
23 soon face. Any work in terms of preparation was largely  
24 being done by the Department of Health, and I do not  
25 recall any planning issues being raised to me by my

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1 something that there was clear lines of preparedness and  
2 precaution. We didn't know at that stage whether this  
3 was going to develop into something as it did much more  
4 serious, but it was right that where something was  
5 flagged up that a precautionary approach was taken.

6 **Q.** I think if we scroll up, please, or scroll down, we can  
7 see -- and just a little bit more, thank you -- to the  
8 main -- thank you. It's the first paragraph.

9 So effectively this was a submission to you  
10 notifying you that this power was required and, as we  
11 can see, it's set out at paragraph 2, this was  
12 specifically obviously because of Covid-19 at this time.

13 **A.** Yes.

14 **Q.** So your officials were obviously making you aware,  
15 weren't they, in the middle of February, that it was  
16 a possibility that schools might need to be closed and  
17 that you needed a power to do it; correct?

18 **A.** Yes, and, as I said, I think some of that was to ensure  
19 that there wasn't ambiguity about who had the power.  
20 Was it, for example, a situation in which the school  
21 principal decided to close, or a board of governors, or  
22 a managing authority. And I suppose there was also  
23 a feeling that if action needed to be taken, that we  
24 needed to have something which was clear and also  
25 consistent so that there wasn't a situation where people

22

1 department."

2 Is that correct?

3 **A.** It's correct that I made that statement, at the time.  
4 I think I'd forgotten about when I was making it about  
5 the particular submission and the action on 13 February.  
6 So it is perfectly correct, although not 100% accurate  
7 in that regard, I'd forgotten about that, and there were  
8 another couple of actions of a more minor nature that we  
9 were able to do in terms of preparation. But the broad  
10 point I think was that the vast majority of knowledge  
11 and involvement was really within the Department of  
12 Health, that this wasn't something that was largely  
13 brought -- that permeated out amongst other ministers  
14 really until the beginning of March.

15 **Q.** But you, having agreed to legislation in the middle of  
16 February --

17 **A.** Yes.

18 **Q.** -- to empower you to close schools, were obviously quite  
19 clear, first of all, that that was in prospect and  
20 something that would, if it were going to happen,  
21 require a huge amount of planning and co-operation with  
22 other departments?

23 **A.** Well, I thought that it was something that was  
24 a possibility. It's not something that I envisaged  
25 happening at that -- at that stage, if I can put it that

24

1 way.

2 **Q.** So, as far as you're concerned, in that period in and  
3 around February, there was nothing that you needed to  
4 do, as the Minister of Education, in order to start the  
5 process of planning for the potential closure of  
6 schools?

7 **A.** I think from -- what I would say in relation to that,  
8 I think we were in a position that actions that if we  
9 needed to go to remote learning, that the department was  
10 in a fairly good -- the structures, while there was many  
11 criticisms made of the structures of education, that we  
12 would have been in a position that, if needs be, we  
13 could have moved towards that. I regarded this as  
14 a possibility and probably felt the more likely scenario  
15 was that there may well need to be intervention on  
16 a small group of individual group of schools. I didn't  
17 at that stage envisage that it was likely in any way  
18 that there would be a full shutdown of schools.

19 **Q.** You've said, and I think it's also clear from your  
20 statement, if I can maybe put it in informal terms, but  
21 effectively the Department of Health was in the driving  
22 seat; is that correct a fair way of --

23 **A.** I think that's -- I know that the Department of Health  
24 was working with colleagues from other jurisdictions  
25 within the UK, and probably with the Republic of Ireland

25

1 maybe one of the mistakes that was made during ...

2 **Q.** So when would you say, Lord Weir, that the perception of  
3 ministers changed and it was understood by them that in  
4 fact there was some urgency to this and Northern Ireland  
5 faced some very, very serious issues?

6 **A.** I think it became, I suppose, an evolving issue,  
7 particularly as March wore on. I think the first  
8 detailed presentation -- but even then there was a level  
9 of uncertainty with that -- came I think on 2 March.  
10 Within that context, anything that could be done  
11 internally within the Department of Education started to  
12 ramp up during March on that -- on that basis. But  
13 I still think it was relatively unclear until very late  
14 in exactly what was going to happen and what the  
15 timeframe was going to be, and I think probably --  
16 I certainly got an impression from Health that while we  
17 maybe faced a major problem that perhaps the crunch  
18 moment was a little bit further down the line.

19 **Q.** All right. So as Minister of Education, when did you  
20 start to plan or when did you think there was a serious  
21 prospect that schools might actually have to close?

22 **A.** I think as things moved on into March. And obviously  
23 probably the pivotal point where it became a very strong  
24 possibility would have been in and around about 12 March  
25 when there was action by the Republic of Ireland in

27

1 as well, but in terms of any work that was ongoing was  
2 largely done through the Department of Health. And  
3 I think there was, generally speaking, a broader context  
4 in which it wasn't quite clear where things were going  
5 to go, what the level of severity was going to be. And  
6 I suspect that outside of maybe a relatively small  
7 number of people in any jurisdiction, most people didn't  
8 anticipate or expect precisely what happened as regards  
9 the pandemic.

10 **Q.** There's no sense in the notes, for example, of the  
11 minutes or in communications of ministers clamouring for  
12 the civil contingency arrangements to be stood up at any  
13 stage in February or indeed for some time in March. Is  
14 that correct?

15 **A.** Yes, that would be correct. I think there was probably  
16 a view taken that, in terms of what was needed, that as  
17 the Department of Health was largely at the coalface,  
18 that certainly we would have been very supportive of any  
19 requests that had been made to take action, but I --  
20 from that perspective, I don't think there was  
21 a particular push on -- and maybe there was  
22 an impression, certainly given by the Department of  
23 Health, that while there were problems potentially  
24 coming down the line, that there wasn't necessarily  
25 quite the same level of immediacy, and I think that was

26

1 terms of closing their schools.

2 We weren't given any -- while there was -- generally  
3 speaking, at various stages throughout the pandemic and  
4 generally there's always been fairly good communication,  
5 we weren't given, I think, until the announcements --  
6 maybe because of whatever internal protocols they had,  
7 we weren't really given a heads-up that that was going  
8 to happen. I think I learned about it effectively  
9 during a school visit on 12 March.

10 **Q.** But just -- I'm going to come to that and deal with  
11 that, but should the Inquiry proceed on the basis that  
12 it was the closure of schools by the Republic of Ireland  
13 that meant that you gave serious contemplation to that  
14 being a realistic prospect in Northern Ireland?

15 **A.** Well, again it was -- I think that it was clearly  
16 an issue that was potentially on the agenda. It might  
17 have pre-dated that by a little bit, within that.  
18 Certainly the advice that was being given, I know we'll  
19 probably come on to this, was that this wasn't the  
20 appropriate time --

21 **Q.** Yes.

22 **A.** -- and there was concerns raised over what the impact  
23 within a wider context would be of school closures.  
24 I know we'll probably come to that as well. But I know  
25 in terms of the prospect of what needed to be done in

28

1 terms of the potential pandemic, my officials were  
2 starting then to engage with stakeholders in the first  
3 half of March and then stood up internal arrangements at  
4 about the middle of March, prior to the schools actually  
5 closing.

6 **Q.** All right. We'll have a look at one of the plans that  
7 certainly the Inquiry has seen about education in  
8 Northern Ireland. But just sticking with 12 March, we  
9 know -- so two things happened on 12 March.

10 **A.** Yes.

11 **Q.** Obviously within the United Kingdom there was a move,  
12 wasn't there, from contain to delay; yes? Do you --

13 **A.** Yes, I think that roughly would have been about that  
14 stage, yes.

15 **Q.** And also the cessation of test and trace in  
16 Northern Ireland?

17 **A.** Yes.

18 **Q.** What you said in your statement was that effectively  
19 that decision to cease testing and tracing in  
20 Northern Ireland, and I hope I put this fairly,  
21 Lord Weir, that was a matter for the Department of  
22 Health effectively, that wasn't something that was  
23 a matter for ministers; is that correct?

24 **A.** Yeah, I think as regards test and tracing I don't have  
25 a perfect recall of when it happened but I think that

29

1 would be the case.

2 **Q.** All right, but that wasn't the subject of ministerial  
3 consideration or --

4 **A.** Not to the best of my memory, I don't think. I don't  
5 think it was.

6 **Q.** All right.

7 So, staying then with an issue obviously that was  
8 particularly important to you, the decision by the  
9 Republic of Ireland to close schools, I think that that  
10 led to a meeting -- and I think we've got this at  
11 INQ000289859.

12 If we could just scroll down, please.

13 So I'll come back and ask you some questions about  
14 this, Lord Weir, but first of all I think there was --  
15 that we can see reference in the first paragraph to that  
16 leading potentially to some public confusion.

17 **A.** Yes.

18 **Q.** Then in the second paragraph -- and I'll ask you about  
19 that.

20 In the second paragraph, the health minister saying  
21 that the science continues to work for Northern Ireland  
22 and that that approach ought to continue. And we see  
23 reference there to SAGE advice that school closures,  
24 when they're considered appropriate, would be for  
25 15 weeks, but that that was unlikely to have

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1 that operationally was done and probably a decision  
2 taken by the Department of Health. From memory of it,  
3 I don't think a -- call it a prior approval was sought  
4 from the Executive for that.

5 **Q.** Did you understand that the decision that was made by  
6 the government, the United Kingdom Government, that that  
7 effectively decided the position for Northern Ireland or  
8 did you understand there to have been an independent  
9 decision in Northern Ireland about what it would do at  
10 that date?

11 **A.** Well, I think that Northern Ireland had independence to  
12 do what it felt to be the appropriate response in  
13 relation to that. I would assume that, as there would  
14 have been a close co-ordination across particularly  
15 various CMOs, CSA and health ministers, that whatever  
16 advice was being given within the UK centrally as to  
17 what the appropriate courses of action would be, that it  
18 was largely ones that were either decided on a UK-wide  
19 basis but at least was being implemented on a -- roughly  
20 speaking at least, people were following the same  
21 sort of advice. But I think the power to actually  
22 decide whether test and trace ended or stopped in  
23 Northern Ireland at that particular point I think would  
24 have been taken by the Department of Health itself, it  
25 wasn't an absolute fait accompli that that necessarily

30

1 a significant impact.

2 Then if we could go over the page, please, we see  
3 reference to the view that closing schools would  
4 "collapse" the healthcare system --

5 **A.** Yes.

6 **Q.** -- "render futile much ... planning work to date". He  
7 refers to an absence of spikes. I assume that's  
8 a reference to spikes in the infection rate.

9 Then we can see that you agreed:

10 "[The] impact of [having] 340,000 children not at  
11 school is immense. Many parents would be removed from  
12 providing front line services -- child care implications  
13 huge."

14 And I think if we go to the very bottom we can see  
15 reference to Mr Baker there:

16 "... any decision would need to include primary and  
17 post-primary. Childcare implications huge for local  
18 economy ... Biggest issue -- impact on exams and  
19 consideration of those eligible for free school meals."

20 So I think there are a number of questions that  
21 follow on from that. I think that we can see the issue  
22 or the question being asked: why had schools in fact in  
23 the Republic of Ireland closed and why was the position  
24 different in Northern Ireland?

25 Was there clarity at this stage as to why the

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1 Republic of Ireland had moved to do that?

2 **A.** I don't think they gave us particular clarity. They

3 obviously had taken a sovereign decision that that was

4 the best course of action at that particular time.

5 Obviously our responsibility was to try to decide what

6 was the most appropriate action in Northern Ireland.

7 I think, as per the SAGE advice, I think at that stage

8 there was at least acceptance that there was -- that it

9 was quite likely that there may be some point at which

10 it was appropriate to close schools, but both -- the

11 advice that we were getting on that front was, first of

12 all, that when it did happen it would be for a lengthy,

13 very lengthy period of time.

14 **Q.** Yes.

15 **A.** Which I think was accepted. So it was something that

16 was a very serious decision which had to be taken

17 seriously.

18 I think also from the SAGE point of view that there

19 was a feeling that that level of -- the level of impact

20 from a positive point of view, in terms of the

21 transmission side of things, would be fairly marginal.

22 And obviously from an educational point of view, being

23 in a situation in which however much alternative

24 arrangements could be put in place, there was no doubt

25 in my mind that there was going to be a very detrimental

33

1 level of clarity could be given about that, but that was

2 something that was ultimately internal to them.

3 I didn't have access to any sort of form of information

4 as regards that.

5 **Q.** I think that really the issue is what level of

6 understanding was there on the part of you, as education

7 minister, as to why the Republic of Ireland had taken

8 that very significant step at that point in --

9 **A.** I think -- I think -- I mean, there was probably

10 a limited amount of direct understanding. I think it

11 was probably as -- on the basis of that they felt that

12 that was the appropriate action, that things had reached

13 a level of severity that that action needed to be taken

14 in the Republic.

15 **Q.** Yes, I think I'm assuming that it was on the basis of

16 medical advice, I think it was really rather more the

17 granular issue as to why --

18 **A.** I don't --

19 **Q.** -- for example --

20 **A.** I don't think that we got or received any particular

21 granular information from the Republic as to why they'd

22 taken that position.

23 **Q.** All right. I mean, in terms of whether or not there

24 were concerns about the infection rate having reached

25 a certain level in the Republic of Ireland, or whether

35

1 impact on the quality of provision that could be made

2 and would in practice be able to be made for children

3 and young people in terms of their life future.

4 But the biggest single driver from my point of view,

5 and I think the Executive's point of view, was the

6 overall -- the professional advice and the overall

7 assessment of the potential impact on the health

8 service.

9 **Q.** Yes. That's what I wanted to ask you about.

10 So, first of all, first question: whether or not,

11 for example, you spoke to a counterpart in the

12 Republic of Ireland in order to understand what the

13 epidemiological basis was in the Republic of Ireland for

14 closing schools?

15 **A.** I think -- I can't remember the exact details of

16 a conversation. I may -- I may on the 12th -- once it

17 had become clear, I might have had a conversation with

18 my opposite number, Norma Foley, but I couldn't swear

19 necessarily that that was the case.

20 There would have been contact from the department,

21 and I suppose if there was information it was on the

22 basis that they were following whatever medical advice

23 they had got from -- on their side of the border.

24 But ultimately, if you like, the decision-making

25 processes within the Republic, there maybe was -- some

34

1 they had done work in relation to transmission related

2 to schools, or anything like that that might have helped

3 inform --

4 **A.** No, I think -- I think principally what was important at

5 that stage was to try to draw from the best medical and

6 scientific information that we had, in that sense,

7 within Northern Ireland, and ...

8 While at -- while at different stages in the

9 pandemic, for example, some of the devolved

10 institutions, or devolved assemblies did a roughly

11 similar approach and -- as the UK Government, I think

12 the feeling was that we had to do whatever was in the

13 best interests of Northern Ireland and most appropriate

14 to our circumstances, which weren't always in sync with

15 what happened in other jurisdictions, and I think

16 ultimately we had to make a decision for ourselves. And

17 certainly from my point of view, what I think was the

18 principal driver -- particularly at that point, where

19 there was still a high level of uncertainty as to what

20 was happening -- was it was very difficult to get past:

21 here's the clear cut medical and scientific advice as to

22 what is appropriate at this particular time.

23 Now, I think when the issue, we may come on to this,

24 was then debated at the Executive -- it might have been

25 the day after -- I think one of the propositions put

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1 was, as regards the issue of any level of restrictions,  
2 or particularly as regards closure of schools, that we  
3 would follow and tie ourselves in with the best medical  
4 and scientific advice that we could get, rather than try  
5 to almost second-guess that.

6 **Q.** Yes. I am going to come on and look at those notes.

7 **A.** Okay.

8 **Q.** But I just wanted to pick up on another point that  
9 you've made, and which is also reflected in those notes,  
10 that the principal concern about closing schools was  
11 around the impact that it would have on the workforce --

12 **A.** Of the health service, yes.

13 **Q.** Yes. So was that the primary consideration at that  
14 point in time?

15 **A.** I think probably across -- I mean, it was a situation in  
16 which, on the one hand, the medical and scientific  
17 advice was that this was not the appropriate time and  
18 would not be helpful on that basis. But undoubtedly  
19 I was struck very much by the stark comments of the  
20 health minister, by -- I think it was something that  
21 a very similar approach was taken by the Chief Medical  
22 Officer, and it was very clear that probably the biggest  
23 single worry at that point for the Executive from  
24 a health point of view was reaching a point at which the  
25 health service was overwhelmed. That was the --

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1 So at that point in time, were those regarded as the  
2 principal issues --

3 **A.** No, look, I think --

4 **Q.** -- countervailing issues --

5 **A.** I think -- and obviously Mr Baker can talk for himself.  
6 I think in terms, if you were ranking the pecking order,  
7 even within education, I wouldn't necessarily have put  
8 those at the top of the agenda.

9 I suspect that he may well have been saying: here is  
10 also something which hasn't been -- here's another  
11 factor which hasn't been factored in, in terms of the  
12 broader -- trying to highlight something where there  
13 would be an additional detriment.

14 I think from an educational point of view, there was  
15 a realisation that, whatever was done, that once you  
16 removed face-to-face teaching, that anything that  
17 replaced it was always going to be second best. From  
18 an academic point of view it would be damaging to  
19 children's education; that a situation in which children  
20 were at home all the time, that that would have impacts  
21 in terms of the socialisation and social development of  
22 children; it would have major impacts in terms of mental  
23 health. There was a range of issues. I think it was  
24 fairly obvious to other people at that stage that if we  
25 moved to a situation in which schools had to close, for

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1 probably the biggest single fear at that point.

2 And it was fairly clear that there were two aspects  
3 to that: what was the level of transmission in terms of  
4 the number of patients that were coming into hospital;  
5 and what was the capacity of the system to be able to  
6 help and support patients as they were coming in.

7 And the point, I think -- it was put very starkly  
8 I think in that minute by Minister Swann, that if this  
9 action was taken at that particular point, in those  
10 circumstances, that the health system could simply  
11 collapse. Because if you were left with a situation of  
12 a third of a million children for whom arrangements  
13 would have to be made that, largely speaking, they were  
14 at home, the number of staff that that would take out of  
15 the system, through whatever family arrangements were in  
16 place, was going to have enormous impact on the ability  
17 to be able to provide staff to be able to deal with it.

18 And, you know, irrespective of the numbers coming  
19 through the door, if there simply weren't enough staff  
20 to be able to cope and be able to provide that help and  
21 support, that was a potentially catastrophic situation.

22 **Q.** In terms of the potential catastrophic effect on  
23 children of closing schools, Mr Baker in that note, it  
24 reports him to have said that the biggest concerns were  
25 exams and he referred also to free school meals.

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1 a range of reasons educationally it was very  
2 detrimental.

3 But again probably the biggest single override at  
4 that stage was how would this impact on the health  
5 service and the ability to be able to deal with the  
6 coronavirus situation.

7 **Q.** All right. I'm going to come back to the plans as they  
8 stood at that time, but just staying, if I may, on the  
9 decision -- in fact, why don't we look at the plans  
10 first and then we'll go to the decision-making.

11 If we could go, please, to INQ000086935, please.

12 Please if we -- well, first of all, let's orientate  
13 ourselves in this situation, Lord Weir. These are the  
14 sectorial resilience returns that each department had  
15 returned.

16 Could I possibly ask that's made a little bit  
17 bigger.

18 So, page 1 -- are you familiar with this document?

19 **A.** Well, I have seen it certainly as part of the papers,  
20 yes.

21 **Q.** I just wanted to check.

22 So we can see that it sets out key areas of  
23 concerns, issues, risks, potential impacts.

24 If we go to the one that was prepared in respect of  
25 schools, please, at page 30.

40

1 So these are the issues that have been set out in  
2 respect of education. So we can see key area of  
3 concern:

4 "School Closures."

5 That the issue was:

6 "Absenteeism of staff and teachers."

7 The risks were:

8 "Lack of staff to teach and support children ..."

9 The potential impacts were:

10 "Disruption to curriculum.

11 "Nutritional loss ...", in relation to school meals.

12 The potential mitigations were larger class sizes  
13 and substitute teaching.

14 And I think if we just scroll down, please.

15 So there's an issue about annual intake, and then  
16 school transfer tests. School events, disruption of  
17 services offered by arm's length bodies, loss of  
18 examination centres.

19 If we could just carry on, please.

20 I think that's all. I just want to make sure,  
21 because I don't want to be unfair, if we can just check  
22 the next box, please.

23 Yes, thank you.

24 So, Lord Weir, that's dated the same date as this  
25 meeting. This is a summary of the plans, as it's been

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1 plans reflect at this time is an understanding -- or  
2 would certainly suggest that the prospect of schools  
3 wasn't being regarded as something that realistically  
4 might happen in the near -- certainly in the near  
5 future --

6 **A.** Well, no, I think --

7 **Q.** -- if we were to look at this?

8 **A.** Again, I would probably make two points in relation to  
9 that. I think there's a difference between saying that  
10 something might realistically happen or something that  
11 was likely to happen. I think there may well have been,  
12 at least amongst officials, a belief that the most  
13 likely course of action was that schools would continue  
14 and that there would be a level of disruption.

15 I think across the board, I suspect that there were  
16 very few people, even at that point in March, who felt  
17 that the most likely scenario across the board was  
18 an overall lockdown and that we would go into the type  
19 of arrangements that we had to do. This was something  
20 that had not happened -- in fact didn't even really  
21 happen, completely, a hundred years ago. So that was  
22 probably the case in relation to that.

23 I think that the advice that we were being given in  
24 terms of -- from health, not only were they opposed, if  
25 you like, to the action being taken, but it was very

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1 explained to the Inquiry, the summaries of the plans  
2 that had been prepared for different departments.

3 That plan doesn't reflect in any way the potential  
4 for schools actually closing; rather the risk appears to  
5 be -- it's: staff may be off and that may cause us  
6 issues and we have to mitigate in terms of having larger  
7 class sizes?

8 **A.** I -- look, I think from that point of view -- obviously  
9 it was drawn up by officials -- I think that the  
10 prospect of schools closing -- of being a likely --  
11 a very likely scenario, only started really to kick in  
12 around about that period, whenever action was taken at  
13 the Republic of Ireland, and also I think -- I think it  
14 may well have been on the same day that SAGE made  
15 reference to what a length of closure would be.

16 I think this was probably an attempt by officials to  
17 highlight: here are some of the issues that potentially  
18 we are faced with. It was maybe felt it a more likely  
19 scenario that schools would carry on but be much more  
20 disrupted by the pandemic, that that was seen perhaps at  
21 that point by some officials as being the more likely  
22 option.

23 **Q.** So, I mean, that would certainly appear to be the case,  
24 but I think again, just to be clear about this, I just  
25 want to make sure that you agree that certainly what the

42

1 clear that they felt if something of that nature had to  
2 happen this was clearly not the appropriate time.

3 So the feeling on it was that whatever decisions  
4 around schools were probably likely to be further down  
5 the line when actually they did eventually kick in.

6 **Q.** All right. I was going to go then to the political  
7 discussion about this --

8 **A.** Yes.

9 **Q.** -- issue, as you've already alluded to. I think it's  
10 right that that decision by the Republic of Ireland on  
11 12 March then prompted a need for a discussion about  
12 ministers --

13 **A.** Yes.

14 **Q.** -- as to whether that was a course that should be taken  
15 in Northern Ireland.

16 Perhaps if we go to the handwritten notes in respect  
17 of this.

18 This is at INQ000065689.

19 Lord Weir, can I say first of all about these notes,  
20 I think you have seen them, but obviously they're  
21 a handwritten note --

22 **A.** Yes.

23 **Q.** -- as opposed to a note that's been checked by the  
24 individuals who were present --

25 **A.** Yeah, I should also -- I'm not suggesting necessarily in

44

1 this note or any other, it is the case -- I think the  
 2 other thing I notice when looking through, generally,  
 3 the handwritten notes, was that maybe whoever's writing  
 4 those, occasionally there would be a little bit of  
 5 confusion on attributing comments to people, and  
 6 possibly from the notetaker -- because there is  
 7 a Department for the Economy and Department of  
 8 Education, you know, I've seen at times various things  
 9 that seem to be listed as "DE", for example, that was  
 10 maybe something that I said, but also whoever was taking  
 11 the original notes may simply put "DE" when they were  
 12 talking about the Department of the Economy. So there  
 13 is that slight caveat I would add to that --

14 **Q.** Yes, I think I have noticed --

15 **A.** I'm not suggesting these necessarily are the case in  
 16 this case, but it may be just appropriate to draw that  
 17 to the attention of the ...

18 **Q.** No, you're certainly right, and it isn't -- sometimes  
 19 it's not easy to tell, I think, what's a comment by you  
 20 and what's a comment by Minister Dodds.

21 **A.** Yes.

22 **Q.** I think I've looked for comments about education on the  
 23 basis that they're probably you, but that may not be --

24 **A.** That I think is quite likely.

25 **Q.** So again, in terms of date and time, Lord Weir, we can

45

1 **Q.** -- put your comments then in context.

2 Thank you.

3 I think this "DOF" is Department of Finance. So the  
 4 Minister of Finance was setting out -- if we could just  
 5 carry on.

6 So he refers to:

7 "Growing lack of confidence in [Great Britain]  
 8 approach.  
 9 "Civil contingencies -- understand medical advice,  
 10 but also community concerns.  
 11 "... We have differing views on how to handle -- we  
 12 all want best outcome."  
 13 The First Minister says:  
 14 "Not be out shouting ..."  
 15 And then I think this is you, if we scroll down,  
 16 please:  
 17 "CMO -- highly respected.  
 18 "Appalling way to treat colleagues.  
 19 "Don't shout me down."  
 20 DOF:  
 21 "Challenge your view."  
 22 Then I think if we carry on, DFE:  
 23 "Row back.  
 24 "Mixed message."  
 25 I'm going to ask you about mixed messages.

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1 see this is a meeting of 16 March, in the morning.

2 I'm not going to go through all of this. I think if  
 3 we just scan down, please, we can see the reference to  
 4 they're having -- I think a meeting at that point was  
 5 proposed with the Irish Government and the Minister of  
 6 Health was setting out the position.

7 So we can see, for example, he's informing the  
 8 Executive Committee that there weren't enough  
 9 ventilators in Northern Ireland, so I think filling you  
 10 in on the operational picture at that point in time.

11 If we could go, please, to page 10, I was just going  
 12 to pick it up -- I think "DOJ" is Department of Justice,  
 13 so this would be Minister Long.

14 And if we could just scroll down a little, I think  
 15 we can see her saying:  
 16 "Closing schools not necessarily right but some  
 17 schools closing.  
 18 "[Executive] always seems to be reacting, not  
 19 leading."  
 20 And reference to young people and exams.  
 21 I think we can see a few lines down she's talking  
 22 about people taking responsibility.  
 23 And if we may, please, go to the next page -- sorry,  
 24 Lord Weir, I'm doing this so that I can --

25 **A.** No, no.

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1 "Discussion not needed in front of media.  
 2 "People [are] anxious, afraid.  
 3 "Following CMO advice ...  
 4 "Also, [have to] be honest [about] schools ..."  
 5 I think you were making the point it's not closure  
 6 for two weeks, it would have to be 15 weeks.

7 **A.** Yeah.

8 **Q.** So I apologise, I am guilty of cherry-picking bits from  
 9 these notes, but I think that it's important to try to  
 10 understand the kind of discussion that was taking place  
 11 at that meeting, and to ask you whether it would be  
 12 right to characterise the discussion about schools as  
 13 having -- and I don't want to be too blunt in this --  
 14 but effectively to have become politicised in that some  
 15 ministers were of the view that the decision ought to  
 16 follow, or certainly there ought to be consideration  
 17 given to, closing schools because it had been done in  
 18 the Republic of Ireland, I think was -- but also because  
 19 that had consequences because it was leading to  
 20 confusion on the part of the public; is that right?

21 **A.** I would say two things in relation to that. Yes,  
 22 I think it did create a level of division within --  
 23 within the Executive. I took the view that we should be  
 24 following the medical advice and the science.  
 25 I think that particularly -- ministers, particularly

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1 Sinn Féin ministers and the SDLP minister, first of all  
2 looked to see things -- at least have one eye towards  
3 what was happening in the Republic and that, if you  
4 like, Ireland as a whole should take a view. And that  
5 was part of a political or constitutional point of view.

6 I suspect there was probably also a little bit of  
7 an element that there would have been maybe a particular  
8 level of antipathy for those ministers in that party  
9 towards the UK Government, possibly particularly  
10 a Johnson-led, a Conservative Government.

11 So it was, if you like, a situation where not only  
12 did they want to follow the Republic, but they were --  
13 had a natural inclination not to, sort of, follow what  
14 was happening from London.

15 I think the issue around confusion was twofold.

16 The position, I suppose, was that it was natural  
17 within Northern Ireland that amongst the public, some  
18 people will look, even just during the pandemic, to what  
19 is happening in London, what is happening in Edinburgh.  
20 There are others who will look and wonder why are we not  
21 following the lead of whatever's happening in Dublin.  
22 And I think the fact that there was a different position  
23 between, at that stage, then, the UK as a whole and the  
24 Republic of Ireland did mean that there were some people  
25 who would be more naturally inclined to look towards

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1 there was a particular level of friction around  
2 communication.

3 **Q.** Yes, I think we'll come back to that, because we do see  
4 other examples of that throughout the course --

5 **A.** No, it was not -- it was not unique to that occasion,  
6 but probably particularly acute at that point.

7 **Q.** Yes, and I'll come back and ask you about perhaps what  
8 might be described as some of the cultural issues around  
9 how the Executive Committee operated.

10 But really just focusing on what happened at this  
11 meeting, and I was just going to pick it up, if I may,  
12 at page 37 of these notes.

13 I think it's right, Lord Weir, that this was the  
14 first decision that the Executive Committee had been  
15 called upon to make --

16 **A.** Yes.

17 **Q.** -- in response to the pandemic at all, and we can see  
18 that, first of all, I think the "Vote on Conor's  
19 proposition", that's a reference to the minister for  
20 finance, and his proposition that schools should close,  
21 or that there should be a plan to close schools; is that  
22 right?

23 **A.** I can't remember the exact wording of the proposition  
24 but it was effectively that we close schools.

25 **Q.** So we can see that that vote effectively divided into

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1 what was happening in the Republic, to some extent were  
2 saying, "Well, why aren't we simply following what the  
3 Republic ...", so it created that level of division.

4 I think the other bit about public messaging which  
5 was confusing was at -- I can't remember the exact  
6 chronology in terms of dates but at one of the earlier  
7 meetings, whenever it was made very clear from the Chief  
8 Medical Officer and the Health Department that this was  
9 the wrong time to close schools, that it would have  
10 a very detrimental impact on our -- I think that there  
11 was broad -- ultimately there was agreement by the  
12 Executive that that was the course of action, everybody  
13 in one sense was signed up to it, albeit that I suspect  
14 the deputy First Minister and others were much more  
15 reluctant to go down that route.

16 I think the problem from the public messaging point  
17 of view was, having agreed to that position, I think  
18 within 24 hours of that the deputy First Minister did  
19 a press interview or a press conference where she said,  
20 effectively, "Well, my position or our position is that  
21 actually it's the time that schools should be closing".

22 So effectively the Executive was having a collective  
23 position and then that position was, to some extent,  
24 then disagreed with, in terms of giving her opinion of  
25 it, by the deputy First Minister. I think that is where

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1 two halves, as it were?

2 **A.** Yes.

3 **Q.** And I think that the Minister for Justice didn't vote or  
4 had a different position from everyone else --

5 **A.** Yes.

6 **Q.** -- looking at that.

7 **A.** Yeah, I mean, it's -- I think the position of the DoJ  
8 minister was that it was something that we were probably  
9 going to have to do but it wasn't necessarily exactly  
10 the right time to do it.

11 **Q.** Then there was a second vote, wasn't there?

12 **A.** Yes.

13 **Q.** And the second vote -- if we can just scroll down,  
14 please.

15 I think that that vote is slightly further in the  
16 notes, but I think I can summarise.

17 The vote was effectively -- oh, sorry, it is on that  
18 page.

19 **A.** It is, and I think it's:

20 "Propose

21 "- close schools when CMO advises."

22 Was the proposition.

23 **Q.** Yes. And again, that appears to have divided along two  
24 lines. Although there's a question mark: the notetaker  
25 wasn't sure what the position of the Department of

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1 Justice was on that. Correct?

2 **A.** That is entirely correct, and I'm trying to remember

3 from a timing point of view whether the second simply

4 arose as a sort of a different route from the first or

5 whether there had been -- it may well have been alluded

6 to in previous conversation that really what we should

7 be doing was following the medical advice directly and

8 that was the appropriate bit to tie in with.

9 **Q.** I mean, the idea that you would vote to close schools

10 when the CMO advises might look like quite an odd thing

11 to vote on.

12 **A.** I think -- I think the point, I suppose, that was

13 getting made at that stage is that we should follow the

14 medical and scientific advice, and perhaps it was to

15 also help indicate that while there was a reluctance to,

16 because of the detriment that would be there, to close

17 schools at all, that this wasn't a question of -- that

18 if medical advice was to close schools, that the view of

19 the Executive was not simply to say, well, no, actually,

20 under all circumstances, schools will remain open in

21 defiance of the medical officer. So I think it was

22 important, we felt that in terms of a position and the

23 position of the Executive should be that actually we

24 follow what is in the best interests of the broader

25 situation in dealing with coronavirus, which I think at

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1 encompasses a whole range of issues --

2 **A.** Yes.

3 **Q.** -- in addition to -- it might be informed by medical

4 advice --

5 **A.** Yes.

6 **Q.** -- correct, but it encompasses so many more

7 considerations than simply --

8 **A.** Yes, it would be, but I suppose if you're drafting -- if

9 someone's putting a particular proposition in relation

10 to it, you know, this is not a question, and

11 particularly as it came in the midst of a meeting, it is

12 not a question of: here is -- we're putting almost

13 a paper together with a proposition that runs to a full

14 page with the: here are the pros and cons and here's the

15 route that we do it. I think it was a broad principle

16 that I think there was, apart from anything else, to

17 make it clear that if we were told that this is

18 something that had to happen, that is something that

19 would be accepted in the wider interests of

20 Northern Ireland, even though I think there was

21 an acknowledgement that any action, and probably to

22 a lesser extent at different stages in the pandemic any

23 level of restrictions. You know, if we were taking

24 decisions which only had an obvious benefit and no

25 downside, then a lot of questions would have been quite

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1 that stage was to take that professional advice. And if

2 the medical advice was that this is something that had

3 to happen -- had to happen at that particular time, that

4 we would not stand in the way of that. We would support

5 that and get behind that.

6 **Q.** So you didn't think the decision whether or not to open

7 or close schools was, for example, something that should

8 be based on the best interests of children, or -- from

9 what you're suggesting your position was, it was

10 a matter for medical advice rather than --

11 **A.** I think that might be slightly oversimplifying the

12 situation. I think there was a recognition that any

13 closure of schools was going to be detrimental to

14 children and that therefore it was something that, if it

15 had to happen, would be done with extreme reluctance.

16 But given where we were, given the -- I think the high

17 level of uncertainty that was there with the pandemic,

18 that the overriding imperative at that stage was to

19 ensure that we took, in the wider interests of the -- of

20 Northern Ireland, the right -- the right approach in

21 terms of dealing with the virus and particularly dealing

22 with the potential medical implications that that was

23 the, for want of a better word, the trump card in any

24 decision at that point.

25 **Q.** Because obviously a decision to close schools

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1 easy. But I suspect at various stages throughout the

2 pandemic, almost any decision that we took had certain

3 level of advantages, but there was going to be certain

4 level of damage to society with whatever direction we

5 went in, whatever decision we took at any stage.

6 **Q.** Wasn't this approach making the CMO the person who would

7 decide whether or not to close schools rather than you?

8 **A.** Look, you could put it that way. I felt that in light

9 of the overall position -- I felt that from a public

10 policy point of view debated at the point at which we

11 were in any way going to go against the very clear-cut

12 professional advice, particularly at a point where there

13 was just a high level of uncertainty, I think would have

14 been the wrong course of action, and therefore I think

15 we needed a certain level of clarity which said that if

16 we reach a point at which the advice directly is that

17 this is clear cut to close schools, that we would accept

18 that advice.

19 It may be that from that perspective the earlier

20 proposition having been rejected, whether you argue that

21 there was strictly speaking a necessity to put the

22 second proposition, there's maybe an argument in

23 relation to it. I suppose it was to try and clarify

24 that this was not simply a situation where we were

25 saying that various things shouldn't happen under any

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1 circumstances, that we were willing to follow medicine  
2 and the science and take the wider interests of  
3 Northern Ireland as a whole.

4 **Q.** There might be a question, if one looks at the notes of  
5 this meeting, as to how well served children in  
6 Northern Ireland were by the position that was being  
7 taken by the politicians. Can you see that, that when  
8 it came to whether or not to close schools, that it  
9 seems to have become a political and divisive issue,  
10 rather than something that focused on what might be  
11 really profound --

12 **A.** No. Look, I think it was a very profound bit, and  
13 I think it's of regret that it became that. I felt that  
14 we were getting very clear-cut advice, particularly from  
15 Health, as to the course of action that needed to be  
16 taken. There had been a level of consensus on that,  
17 maybe albeit begrudgingly, a few days beforehand.

18 I think it was others who wanted to take that in  
19 a different direction, and I suppose at various levels  
20 it may be seen as being directly political, but I think  
21 that anybody in that position has got to make  
22 a judgement call as to what they believe in the best  
23 interests of Northern Ireland as a whole, irrespective  
24 that leaves them open to saying this is a political  
25 decision.

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1 as high levels of financial support. That made a -- the  
2 choice that was there of a wider lockdown and with it  
3 the closure of schools something that was plausible.

4 **Q.** I just want to focus on the closure of schools. On  
5 16 March --

6 **A.** Yes.

7 **Q.** -- there's an absolutely definitive position that  
8 schools aren't closing in Northern Ireland, and it even  
9 goes to a vote that that is not going to be the  
10 position. Two days later, the Prime Minister announces  
11 that schools will close, and Northern Ireland follows.  
12 Had the epidemiological picture changed within those  
13 two days?

14 **A.** Well, I think from that point of view, that may be  
15 a question that's more directly, in terms of some of the  
16 evidence, that the likes of the CMO and others could  
17 answer to. What I would say is that the advice -- and  
18 we had said that we would always follow the science and  
19 follow the medical advice. And the position of the  
20 medical advice, in terms of what was appropriate,  
21 changed at that stage, and it was felt that that was the  
22 appropriate time that action had to be taken.

23 It is also the case -- I think there is  
24 an interaction with wider lockdown which was: if we had  
25 taken -- if we take an example that Northern Ireland had

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1 **Q.** The position changed radically, didn't it, within  
2 two days in Northern Ireland because the Prime Minister  
3 announced, didn't he, on 18 March, that schools would  
4 close?

5 **A.** Yes.

6 **Q.** And Northern Ireland followed suit, didn't it?

7 **A.** Yes.

8 **Q.** What changed in that two-day period in Northern Ireland?

9 **A.** I think I would say probably two main things. I think  
10 against a backdrop, we were seeing -- a rise in the  
11 speed of the pandemic may well I think from some of the  
12 health officials have taken them by surprise, I think,  
13 and I'm sure you will want to question them. At that  
14 point in March, they saw potential major problems that  
15 lay ahead, being slightly further down the line.

16 But I think there were two main issues. One, that  
17 the medical and scientific advice then became: this is  
18 the right time to take this particular course of action,  
19 that indeed, in the wider context, we need to take  
20 every -- every action possible, which led ultimately  
21 then to a lockdown to be able to combat this.

22 I think the other thing which made the wider context  
23 of a decision on schools and indeed wider lockdown  
24 possible was, at that stage, the UK as a whole and the  
25 UK Government committed to issues such as furlough, such

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1 decided to close schools, or whatever, and being simply  
2 an outlier and we were trying to do this on our own, we  
3 know that there was not financially something which  
4 could support a wider lockdown within society which  
5 would have meant, in those circumstances, that the  
6 responsibility for looking after children would have  
7 simply been thrown back entirely into the workforce and  
8 the parents, and in particular that would have created  
9 a level of disruption to the health service which would  
10 have been enormous.

11 I think the fact that there was furlough and a wider  
12 commitment, or at least furlough was coming -- was  
13 clearly coming down the line, and a wider commitment to  
14 levels of finance made that option something that was  
15 also practical and plausible.

16 **MS DOBBIN:** Thank you. I think I'm going to stop you there.

17 I apologise, I think we went past the time for a  
18 break. I'm sorry --

19 **LADY HALLETT:** We have to take regular breaks. I'm sorry we  
20 haven't completed you before the break.

21 I shall return at 11.35.

22 (11.21 am)

(A short break)

24 (11.35 am)

25 **MS DOBBIN:** Thank you, my Lady.

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1 Lord Weir, I just wanted to return, then, to where  
2 we left off, which was the decision by the -- sorry, the  
3 announcement by the Prime Minister on 18 March that  
4 schools should close.

5 Was there any discussion amongst ministers about the  
6 closure of schools then on that date or at that time, or  
7 again was the Prime Minister's announcement that that  
8 was the position effectively the decider for what was  
9 going to happen in Northern Ireland?

10 **A.** No, I think the decider was the fact that we were then  
11 getting clear advice from CMO, CSA that, from memory,  
12 Department of Health, that this was the appropriate time  
13 to take this particular action and that there was  
14 a potential practical way forward, albeit lockdown came  
15 with a level of detriment. So from that point of view,  
16 it was more the fact that this was something that, at  
17 that stage, the judgement was it needed to be done in  
18 Northern Ireland, and it was doable at that stage.

19 **Q.** So was there -- are you saying that there was  
20 an independent decision by ministers that schools  
21 would -- should close and that it was informed by the  
22 position as it existed in Northern Ireland?

23 **A.** I think that is -- that is broadly the case. I think  
24 the decision was taken at a -- I think from memory,  
25 probably at an Executive meeting around about that

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1 acceptance of medical evidence changed in the months  
2 after March. But I just want to focus, before we move  
3 on, to one of the issues that you've touched upon in  
4 your witness statement and I understand you to accept,  
5 that insufficient regard was had -- and I think  
6 particularly when it came to the first lockdown -- to  
7 the impact that school closures would have on  
8 particularly vulnerable children in Northern Ireland.

9 So, first of all, can I ask: do you accept that?

10 **A.** I accept that, ultimately, I think in the course of the  
11 pandemic there was not enough cognisance given to the  
12 difficulties that were created for children and very  
13 specifically for both vulnerable children and the  
14 vulnerable. At best what we were trying to do, there  
15 was a range of actions that the department tried to do  
16 to mitigate the impact for vulnerable children, but at  
17 best it was an issue of mitigation. There was still  
18 going to be very major implications for that.

19 **Q.** So can I just understand whether or not you're saying  
20 that there was insufficient appreciation at the outset,  
21 so in March 2020, as to the impact that school closures  
22 would have on children, or --

23 **A.** I think -- I think that there was a -- I would certainly  
24 make two points. One, I think that as regards whether  
25 we had a lockdown or whether we didn't, I think

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1 period.

2 **Q.** The concern that's been expressed on behalf of bereaved  
3 people in Northern Ireland was effectively that  
4 politicians were seeing the pandemic through the lens of  
5 their political perspectives, as opposed to just  
6 focusing on the position in Northern Ireland and  
7 focusing on Northern Irish solutions, if I can put it in  
8 that way, to the pandemic. Do you accept that,  
9 Lord Weir?

10 **A.** I can understand why there is that perception, and  
11 I suppose over a two-year period, if you're talking  
12 about a group of politicians, whether at times they will  
13 see things through a political lens, but I think  
14 everybody, even if there was a range of views, was  
15 trying to do what they felt to be in the best interests  
16 of Northern Ireland as a whole, and certainly as regards  
17 the actions, certainly from my own point of view and  
18 others, around about that 18/19 March was very much  
19 informed by what the overall medical advice was. And if  
20 the medical advice had been that this was the time to  
21 close schools in Northern Ireland but it wasn't  
22 happening across the water, I would have gone along and  
23 supported that as well.

24 **Q.** All right.

25 I'm going to explore that with you and how the

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1 circumstances had created a point where really there was  
2 no particular choice in the matter. Whilst I think  
3 there was a full collective understanding of what the  
4 overall impact would be, at that stage there was perhaps  
5 a fear that this would be very detrimental to our  
6 children. I think the longer things went on and the  
7 more evidence ultimately we saw and we're still seeing  
8 today, undoubtedly lockdown has had a major impact on  
9 our children to a detrimental extent, and I think the  
10 level of awareness and knowledge of that has grown over  
11 time.

12 **Q.** Did it really require much thought, though, in  
13 March 2020, to understand that closing schools would be  
14 cataclysmic for some children in society  
15 Northern Ireland?

16 **A.** I think that was something that was relatively apparent  
17 on that basis. And, to some extent, part of the problem  
18 that was there, in terms of any handling with the  
19 pandemic, at times we were not making choices between  
20 a good choice and a bad choice but between what was the  
21 lesser of two necessary evils.

22 **Q.** But it's a question of planning, isn't it? I mean, if  
23 you understand that school closures might have  
24 a particularly detrimental effect on some children in  
25 society, then you can plan your mitigations around that?

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1 **A.** There was, and there was able to be a range of  
2 mitigations put into place very quickly and effectively  
3 from day one in some aspects. For vulnerable children,  
4 the point, I suppose, in terms of mitigations was that  
5 was -- it was reducing the gap to which there would be  
6 additional harm, rather than being in a position to  
7 entirely overthrow that.

8 So, for example, from day one, indeed as part of the  
9 thing, schools themselves didn't completely close. They  
10 were -- face-to-face teaching was removed for the vast  
11 majority of pupils, but schools themselves stayed open  
12 for what was called supervised learning, and the  
13 children that were entitled to go along were those that  
14 were classified as being vulnerable children and those  
15 who were children of key workers. And that was  
16 something that was there from the very first day in  
17 which schools didn't operate, and there were a range of  
18 other actions throughout that.

19 But all those things were just simply trying to  
20 reduce the level of harm. And I think that whenever you  
21 get harm on children of something of that nature, it is  
22 difficult to create a situation in which that doesn't  
23 disproportionately impact on vulnerable children and the  
24 socially disadvantaged.

25 **Q.** Just going back, though, to the points that were made at  
65

1 like vulnerable children or children at risk and --

2 **A.** And vulnerable children principally -- as indicated, the  
3 department had the direct responsibility for the  
4 education of those children.

5 **Q.** Yes.

6 **A.** Vulnerable children are, largely speaking, from  
7 a departmental remit, are principally under the auspices  
8 of the Department of Health, but we tried to work from  
9 the start in an interagency basis with the Department of  
10 Health. We tried to provide a close working  
11 relationship with that. We were getting weekly reports  
12 from -- in terms from the Education Authority as to what  
13 action would be there.

14 Indeed, in terms of, for example, the number of  
15 vulnerable children going directly at school, we were  
16 getting daily reports on that. We set up a lot of  
17 reporting mechanisms and met as a sort of a management  
18 team. Effectively did a daily sit rep with the major  
19 people within that. So we tried to mitigate, but  
20 I think it was undoubtedly the case that with school  
21 closures and with the removal of face-to-face teaching,  
22 anything that was getting done for children,  
23 particularly vulnerable children, was going to be second  
24 best.

25 **Q.** Yes.

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1 the outset of your evidence about contingency planning.

2 **A.** Yes.

3 **Q.** Planning for the closure of schools would encompass  
4 a number of departments, wouldn't it?

5 **A.** Principally, most of the -- I mean, there would have  
6 been -- various things that we had to do in education,  
7 we would have collaborated with other departments.  
8 Principally, a lot of the issues around school closures  
9 and the implications of that were principally something  
10 which -- a lot of it was internal to the Department of  
11 Education. And I suppose beyond that, actually, we  
12 tried to work alongside what might be described as  
13 a range of stakeholders, whether that was school  
14 principals, trade union side, you know. There's a very  
15 wide range of stakeholders in education, so it was  
16 a combination of that, and obviously there would have  
17 been a level of -- around a range of things throughout  
18 the pandemic of interaction, particularly with Health.  
19 On other occasions, some of the decisions that had to be  
20 made were -- particularly there was interaction with,  
21 say, the Department of Justice on some youth issues, or  
22 would have had a considerable level of follow-through,  
23 say, in the Department of Infrastructure when it came to  
24 transport issues.

25 **Q.** Yes, I suppose I was thinking of something very obvious  
66

1 **A.** There was no way around that, I don't think, at that --

2 **Q.** Was the position any different in Northern Ireland,  
3 I think, to other parts of the UK that in fact  
4 vulnerable children weren't attending school in the  
5 numbers that had been --

6 **A.** The numbers -- there was a problem, I think, across the  
7 UK. We found that, in general, in Northern Ireland as  
8 a whole, the numbers -- it was entirely open. Indeed,  
9 we encouraged anybody in that position to come into  
10 school for supervised learning. The numbers in  
11 Northern Ireland were very, very low throughout.

12 **Q.** Yes.

13 **A.** Generally speaking, the numbers of vulnerable children  
14 were pretty low throughout the UK. It was probably  
15 particularly strong in Northern Ireland. Now, whether  
16 taking one level of positive, there were more family  
17 support mechanisms in Northern Ireland. It was maybe  
18 partly cultural in that regard. But I think in terms of  
19 trying to provide support and support for individual  
20 families, we tried to do that. What we couldn't do was  
21 effectively say to any family, any child, "you must go  
22 into school".

23 **Q.** Yes.

24 **A.** That is not -- so I think we always tried to  
25 accommodate. We tried, for example, I think, during  
68

1 periods of school breaks to ensure that there was  
2 options as well for children in that position as well.  
3 But, again, the take-up tended to be very, very low,  
4 and, again, whether that was a broader cultural  
5 different response to Northern Ireland from elsewhere.

6 **Q.** All right. But I think really just the point being that  
7 if one of the principal mitigations for vulnerable  
8 children was to provide them with school places, I think  
9 it quite quickly became apparent that that wasn't really  
10 affording the protection that had been hoped for, for  
11 children?

12 **A.** No, I think the problem on it was there was a range of  
13 things that were done, but there was clearly going to be  
14 a limitation on what could be done in a situation where  
15 you had a full lockdown and you didn't have schools  
16 operating on a normal basis.

17 **Q.** Lord Weir, I'm going to move on, if I may --

18 **A.** Okay.

19 **Q.** -- to deal with a different issue. It's one I touched  
20 upon a moment ago which was the changing perception,  
21 I suppose, of medical and scientific advice that was  
22 being provided to the Executive Committee. I wanted to  
23 pick up the chronology, if I may, and I hope to do this  
24 without having to go to too many documents, but if at  
25 any point you want to see a document --

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1 at paragraph 74. So this is INQ000408058. It's  
2 page 30.

3 **(Pause)**

4 I would be helped if that could be made larger,  
5 please. Thank you.

6 You say:

7 "Throughout the pandemic, the Health Minister was  
8 given overwhelming support from his colleagues on the  
9 Executive. The situation placed his department in  
10 a very powerful position, and generally if [Department  
11 of Health] pushed for something, they got it. While  
12 I am not suggesting that either the Health Minister, CMO  
13 or CSA had too much power, I did feel that the Executive  
14 had little option but to agree with proposals that came  
15 from DoH, the CMO or the CSA. In effect, if they put  
16 their foot down, they would ultimately get the Executive  
17 to agree."

18 Having had an opportunity to reflect on some of the  
19 minutes of the Executive Committee meetings, do you  
20 think that that accurately characterises the role that  
21 the CSA and the CMO played in decision-making in autumn  
22 2020?

23 **A.** I think, broadly speaking, it is correct. Did that mean  
24 everything was absolutely followed to the letter? But  
25 it seemed to be ultimately -- if a proposal was pushed

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1 **A.** No, that's okay.

2 **Q.** -- please do say to me.

3 We've heard evidence, and we heard evidence from the  
4 Chief Scientific Adviser, that from July 2020 onwards in  
5 Northern Ireland, transmission rates started to go up  
6 and that the picture remained a fairly consistent one  
7 throughout the autumn of 2020.

8 Is that a position that you recognise or that you  
9 accept?

10 **A.** I think there were clearly -- throughout the period the  
11 second half of 2020, there were clearly ongoing  
12 problems, and it did seem that whatever interventions  
13 that were made seemed to have a limited amount of impact  
14 on the levels of transmission.

15 **Q.** Yes. I'm going to take you through some of the  
16 interventions --

17 **A.** Okay.

18 **Q.** -- that were put in place to ask you about them, but  
19 I just wanted to make sure before I started that you  
20 agreed with that general proposition that there was  
21 a consistent and steady growth in transmission from late  
22 summer or early autumn into the winter in  
23 Northern Ireland.

24 Before we examine that, perhaps we could just go to  
25 your witness statement and look at what you say, please,

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1 by the Department of Health, there may well have been  
2 a lot of debate about that. There may well have been  
3 concerns raised about that. But for the most part,  
4 ultimately, the Executive agreed with a particular  
5 proposition if it was put by it, and that did put,  
6 I think -- I think circumstances meant that that did  
7 mean that it put them in quite a powerful position as  
8 regards the progress of events.

9 **Q.** Well, I mean, what you -- I think you have gone rather  
10 further than that in your statement, haven't you?  
11 You've said:

12 "In effect, if they put their foot down --

13 **A.** Yes.

14 **Q.** "-- they would ultimately get the Executive to agree."

15 Again, is that something that you -- is that  
16 an accurate characterisation of how you perceived ...

17 **A.** Look, I think -- generally speaking, I think we tried to  
18 move ahead with a level of consensus and reach  
19 an agreement. I think if there was a range of -- if we  
20 reached a situation in which there was a particular  
21 proposition that was put forward, either within  
22 an Executive meeting or before an Executive meeting,  
23 where Health were in some form of conversation or trying  
24 to reach a consensus and where there was a bit of give  
25 and take where you could reach agreement, yes, you would

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1 reach a consensus that way.

2 In general, the position was, I think, ultimately  
3 that if the Department of Health said "this is  
4 something -- we require this to be able to deal with  
5 the -- to deal with the wider situation", that  
6 ultimately was something which basically prevailed.  
7 There may well have been some level of either  
8 counterarguments or queries raised in relation to it,  
9 but I think factually the case that 90% or 95% of the  
10 time that that did happen showed that at least -- it may  
11 be little bit generalised in terms of that, but I think  
12 it was overwhelmingly the case.

13 **Q.** All right. Well, let's -- perhaps we could examine  
14 that.

15 Before we do, though, just focusing on schools, it's  
16 right, and perhaps you recollect this, I don't think  
17 I need to take you to it, but the chief medical officers  
18 of the United Kingdom supported the re-opening of  
19 schools in September 2020, didn't they?

20 **A.** That's correct, and, again, without going into the  
21 detail of this, there was a long process of action taken  
22 to enable schools to re-open. It resulted, from my  
23 point of view, in bringing three -- at different stages,  
24 three separate papers to the Executive. All those  
25 papers were informed with discussions with Public Health

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1 **A.** Yes.

2 **Q.** -- and that schools could open?

3 **A.** I think there was a -- broadly speaking, by that stage,  
4 there was I think, both from the CMO and CSA and also  
5 I think from the wider Executive, I think there was  
6 acceptance that if something had to be prioritised, in  
7 terms of what we could do in relation to it, that  
8 ensuring that children had the fullest possible  
9 education by having schools open was effectively the top  
10 priority.

11 **Q.** Yes.

12 **A.** I think that was, largely speaking, something that  
13 was --

14 **Q.** Yes.

15 **A.** -- common across the Executive.

16 **Q.** I think that that's right, and it seems to be reflected  
17 in a number of papers that they provided, that on  
18 a number of occasions, they looked at it through the  
19 lens of: if you want to keep schools open these are the  
20 things that may have to remain --

21 **A.** Yes.

22 **Q.** -- may have to close or may have to remain closed;  
23 correct?

24 **A.** Yes. I think that's undoubtedly the case, yes.

25 **Q.** So, in other words, they were supportive of the

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1 Agency to ensure that they were content with what was  
2 being put forward at that stage and a number of meetings  
3 I think with the CMO and CSA. I felt it was important  
4 that we tried to build a consensus towards that, and it  
5 was, broadly speaking, a position therefore that was  
6 backed across the UK, but there was a lot of individual  
7 work. And I should say as well, because I think there  
8 can be a slightly false impression given, this wasn't  
9 a question of simply returning to what had been the  
10 position pre-March. It was on the basis of what we  
11 called a new normal which meant that when we did return,  
12 there was a wide range of mitigations and ongoing work  
13 with the PHA to try and make sure that education on  
14 a face-to-face basis could be delivered and delivered in  
15 a safe way and while there was always some impact on  
16 transmissions by having schools there which minimised  
17 perhaps the impact on wider society as well.

18 **Q.** Yes, and I think it's also right -- I'm just focusing on  
19 the same period of time -- that, for example, the advice  
20 that was provided by the CMO and the CSA, for example,  
21 about whether or not pubs should re-open, because they  
22 were due to open in August, the position that they took  
23 was also informed by, I think, the re-opening of schools  
24 and the need to keep schools -- to make sure that that  
25 happened --

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1 priority, your priority, in terms of keeping schools  
2 open as events moved into the autumn of --

3 **A.** Yes. I think it was both my priority and also, to be  
4 fair, it was a priority then that was shared in a wider  
5 sense by both the Executive, and I think, to be fair,  
6 probably most people in society took a view that the  
7 schools should be the ultimate -- the first priority.

8 **Q.** Yes. And, again, I'm hoping not to have to go to too  
9 many documents to demonstrate this, but when infection  
10 rates began to rise in September 2020, and that  
11 coincided with schools having been re-opened, that the  
12 decision was taken by the Executive Committee to have  
13 some localised restrictions; correct?

14 **A.** That's correct, yes.

15 **Q.** And that reflected that there were particularly high  
16 areas of transmission in some specific areas; yes?

17 **A.** Yes. I think whatever broader issues there were with  
18 modelling, we were by that stage getting quite detailed  
19 granular data as to the extent of infections within --  
20 I think could basically be drawn down into postcodes,  
21 postcode areas on that basis. And I suppose the  
22 Executive as a whole, which was one that was supported  
23 across the piece, was trying to provide a relatively  
24 nuanced approach and trying to -- the nature of things  
25 back in March had been that really the only action that

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1 we would take was a very broad brush, blunt instrument  
 2 of a lockdown. I think as time moved on and we saw also  
 3 some of the disadvantages that occurred from lockdown,  
 4 I think there was a feeling that what we needed to do  
 5 was that we could refine what had to be done into more  
 6 call it nuanced position, and I think the localised  
 7 restrictions were to say: here is a particular hotspot.  
 8 We need to be tougher on that than we are in the rest of  
 9 Northern Ireland. Or that developed to a point where  
 10 I think there was any number of places across  
 11 Northern Ireland where there needed to be a -- sort of  
 12 a flexibility to say: actually, we're going to have  
 13 tougher restrictions on where there is the greatest  
 14 problems.

15 **Q.** What the CSA has said is that that didn't work as  
 16 effectively as would have been hoped, and that  
 17 transmission -- I think to be accurate about it, he said  
 18 that transmission was impacted a bit by them but that it  
 19 didn't have the outcome that was hoped --

20 **A.** No, I think --

21 **Q.** -- in Northern Ireland?

22 **A.** -- part of the problem that we really faced in the  
 23 autumn across the board, there was a range of  
 24 interventions, and I suspect ultimately with a lot of  
 25 those interventions, it didn't have the desired effect

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1 that a certain that the Executive Committee had in --

2 **A.** Yes, I think it -- I think it was a concern. Look, it's  
 3 maybe difficult to know precisely how much more they  
 4 could have done, but I think -- and whether it was  
 5 a question of the police didn't want to be put in that  
 6 position -- I think from the Executive Committee from  
 7 the reports that we were getting back, we didn't get  
 8 a great sense of the police being very enthusiastic to  
 9 be quite heavy-handed or more heavy-handed as regards  
 10 compliance.

11 **Q.** Was there an understanding on the part of the Executive  
 12 Committee that there might be -- that, for example, the  
 13 reasons for that might include the fact that winning the  
 14 trust of communities in Northern Ireland had been harder  
 15 than in other parts of the United Kingdom, that there  
 16 were sensitivities around policing that might not apply  
 17 in other parts of the UK?

18 **A.** I think -- I think there was probably an element of  
 19 that. I don't think it was particularly -- I don't  
 20 remember at any stage it being particularly contrasted  
 21 with other areas. I suspect the police felt that  
 22 overall if they were having to simply police compliance  
 23 on Covid regulations that, in many ways, that was  
 24 putting them in a fairly invidious position in that  
 25 regard, but the police are probably in a better position

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1 of what we had hoped would be the action. And I think  
 2 probably the principal driver in that was, as time moved  
 3 on, there was considerable issues around probably  
 4 behavioural approaches from people, and I think there  
 5 was a constant fraying at the issue of compliance on  
 6 that basis.

7 I think back in March -- back in March, people first  
 8 of all were prepared to put up with things for a little  
 9 bit of time. It wasn't -- but each time we did this,  
 10 there was diminishing returns, and I think society as  
 11 a whole in March was very uncertain about what was going  
 12 to be happening and frankly was quite scared, and where  
 13 people are scared, having a level of compliance is  
 14 probably a lot easier.

15 Getting a level of compliance as time moved on  
 16 became increasingly -- sadly increasingly difficult on  
 17 that regard.

18 **Q.** If I may just ask you to pause there on the issue of  
 19 compliance. There certainly appears from the Executive  
 20 Committee meetings to have been a level of  
 21 frustration -- I hope I don't put that unfairly -- in  
 22 relation to whether or not the police were doing as  
 23 robust a job as they might have done in Northern Ireland  
 24 in respect of compliance.

25 Is that, again, something that you recognise, or was

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1 to --

2 **Q.** Yes.

3 **A.** -- speak for their rationale themselves.

4 **Q.** Well, I think it would obviously have been an important  
 5 part, wouldn't it, of the Executive Committee's -- or an  
 6 important factor in decision-making, whether or not  
 7 better compliance could be achieved by other routes --

8 **A.** I think there was -- as time moved on, we saw trying to  
 9 push for better compliance as an important part of  
 10 the -- sort of the armoury in relation to that, and so  
 11 there was, I think, some decisions taken to ratchet up,  
 12 for instance, fines in connection to that. How much  
 13 ultimately that made a -- you know, and I think simply  
 14 to say "we're going to impose everything on everybody,  
 15 but actually if you simply defy this, there's no  
 16 consequences for you" I think is not an appropriate  
 17 situation. And I think there was probably again -- as  
 18 time moved on, there was also I think amongst the public  
 19 a lot of frustration where they saw a situation that  
 20 probably throughout the pandemic the vast majority of  
 21 people kept entirely to the rules and the spirit of the  
 22 rules, but more and more people maybe weren't doing  
 23 that, and there would be -- I could understand,  
 24 for example, if you were living in a street, you were  
 25 maybe self-isolating, you maybe had a vulnerable

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1 relative, you were making sure, if you like, that you  
 2 followed the letter of the law, and maybe someone  
 3 further up that street was having a party with a lot of  
 4 people in the house. And I think there was perhaps  
 5 a feeling within society as a whole that maybe some  
 6 people in society were, for want of a better word,  
 7 letting the side down.

8 **Q.** Yes, okay. I'm going to come back to the issues of  
 9 public confidence very shortly, but just in terms of --  
 10 just staying with the chronology, if I may, Lord Weir,  
 11 I think the position continued to deteriorate, didn't  
 12 it --

13 **A.** Yes.

14 **Q.** -- in September, and I do just want to bring something  
 15 up on screen because I think a question arose yesterday  
 16 with the CSA as to whether such a paper had been  
 17 written. This is INQ000065631, please. Thank you.

18 This is quite a detailed paper that was written.  
 19 This is -- I think this was provided -- yes, it was --  
 20 it was provided by the Department of Health and  
 21 Minister Swann, and it followed on from the meeting, the  
 22 SAGE meeting that took place on 21 September --

23 **A.** Yes.

24 **Q.** -- and the recommendations that had been made by SAGE or  
 25 the menu of proposals that had been put forward. And

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1 fairly typical, isn't it, in terms of providing guidance  
 2 as to the options that were available?

3 **A.** Yes.

4 **Q.** And also setting out as well some of the counter  
 5 consequences that would follow if any of those issues  
 6 were to be -- sorry, if any of those restrictions were  
 7 to be taken up or followed; correct?

8 **A.** That's correct. I think as the pandemic -- the course  
 9 of the pandemic progressed, I think it probably did  
 10 become more and more apparent to people that any  
 11 decision of whatever nature, as I said, had -- could  
 12 have certain advantages but came at a level of -- and  
 13 whether that was to have further restrictions, or  
 14 whether that was to open up, came at a certain level of  
 15 cost, no matter what direction was done. And so, yes,  
 16 there was always, if you like, some level of  
 17 counterbalancing on anything.

18 **Q.** Yes, but in terms of the way advice was being presented  
 19 to ministers, it wasn't saying "You must, for example,  
 20 do this", or it wasn't presented in a one-dimensional  
 21 way to you, was it? It was being presented in a nuanced  
 22 way, setting out to you these are --

23 **A.** I think that is true. I think that is largely true up  
 24 to a point. But I think sometimes when it came to the  
 25 Executive, it wasn't saying "you must do this", but

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1 I think if we could, please, go to page 1, paragraph 2,  
 2 this paper sets out the concerns that were beginning to  
 3 accrue at that point in September, and I think ... so in  
 4 other words, reference to hospital capacity there and  
 5 concerns about intensive care beds.

6 If we could go down to paragraph 4, please. And  
 7 I think as well there's reference on page 4 to the SAGE  
 8 advice that had been provided. So ministers were being  
 9 told what SAGE was suggesting at that point, so setting  
 10 out the menu that was available. Then I think those  
 11 options were set out as well at page 7. Just to make  
 12 good that point, Lord Weir, that this was all set out  
 13 for ministers at that point in time.

14 If we could go, please, to page 9. Sorry,  
 15 Lord Weir, I don't want to rush you through --

16 **A.** No, that's okay. That's fine.

17 **Q.** -- but these were the options that were being set out.  
 18 If we could just look at paragraph 28. The Department  
 19 of Health was setting out some of the other benefits  
 20 that potentially might accrue from the options that were  
 21 being presented and then set out against the  
 22 disadvantages at paragraph 29.

23 So in terms of the approach that was being taken by  
 24 the Department of Health, I think informed by the  
 25 position of the CMO and the CSA, this sort of paper is

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1 I think it was made very clear what the view of Health  
 2 was. And maybe if I can paraphrase, you got the  
 3 impression that it was "well, you can defy this, but on  
 4 your own heads be it. You're going to create a major  
 5 problem if you don't go down this route of Health". So  
 6 it's probably a little bit maybe -- not quite saying  
 7 "this is what you have to do". But I don't think it was  
 8 entirely as open-ended to: here's a range of options.  
 9 We're just leaving you freely to pick where you feel the  
 10 -- you know, pick and choose where you regard to be the  
 11 best options, or if you want to do them or you don't  
 12 want to do them, that's fine type of thing.

13 **Q.** All right. Well, let's maybe look at that in terms of  
 14 what happened after this point.

15 We know that there was an Executive Committee  
 16 meeting on 8 October.

17 **A.** Yes.

18 **Q.** You might remember that. That was a meeting at which  
 19 the Chief Medical Officer of Northern Ireland said that  
 20 he had never been more worried --

21 **A.** Yes.

22 **Q.** -- than the position that had been reached at that point  
 23 in time.

24 I mean, I assume -- one assumes from the way that  
 25 that meeting is minuted, I won't take you to it, that

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1 what was being conveyed at that point in time by the  
2 Department of Health and by the CMO was that things had  
3 reached a very serious point and that there were real  
4 concerns that health services in Northern Ireland  
5 wouldn't be able to cope --

6 **A.** Yes.

7 **Q.** -- and wouldn't be able to cope within a matter of days;  
8 yes?

9 **A.** Yeah, I can't remember the specifics but that sounds  
10 an accurate assumption.

11 **Q.** All right. And the Inquiry has already seen, I won't  
12 take you to it, but a meeting that took place with the  
13 CMO, the First Minister and the deputy Minister on  
14 11 October, when again that was the message being  
15 conveyed, that they were extremely concerned the point  
16 was about to be reached where health services would be  
17 overwhelmed?

18 **A.** Yes.

19 **Q.** Was that accepted by ministers, that that was the  
20 position, or was there scepticism that the position had  
21 gotten that bad?

22 **A.** I think there was broad acceptance that there were  
23 considerable difficulties. I think it is probably the  
24 case that, again, the further we moved into the  
25 pandemic, there was a little bit more of a caveat put

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1 Scotland, England or [the Republic of Ireland], even  
2 allowing for somewhat higher testing in  
3 [Northern Ireland]. The 14 day cases for  
4 [Northern Ireland] are higher than any other country in  
5 Europe, with the possible exception of the  
6 Czech Republic. There is therefore a need for stronger  
7 intervention in [Northern Ireland] than in other  
8 countries."

9 Again, can I ask whether or not it was understood by  
10 ministers that that was the position as at 13 October,  
11 that Northern Ireland wasn't just doing badly compared  
12 to the UK, that it was doing badly as compared to every  
13 else in the European -- in the continent of Europe?

14 **A.** I can't remember whether it was understood to that stark  
15 an extent. It was clearly, I think, understood that we  
16 were in a very difficult situation. I don't  
17 particularly remember whether specifically the sort of  
18 "we are close to being the worst in Europe" was  
19 particularly emphasised on that basis, but I think it  
20 was clearly -- I think it was indicated that there was  
21 a very difficult situation that we were in and that  
22 action needed to be taken to try to reduce the pressures  
23 that were there.

24 **Q.** I think the advice was at that time, wasn't it, from the  
25 Department of Health, that there should be a six-week

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1 around some of the modelling, because I think what was  
2 accepted entirely at face value in March, for a range of  
3 reasons, maybe didn't instill quite the same confidence  
4 as time moved on.

5 **Q.** All right.

6 I'm not going to take you to this, I'm just going to  
7 ask you about a paper that was written on the -- it was  
8 a Department of Health paper of 13 October 2020, and  
9 what's set out in that paper, it's at paragraph 11:

10 "Modelling from a range of UK groups suggests that  
11 full lockdowns as before with schools open would result  
12 in [a rate of] a little less than 1. Full lockdown with  
13 schools closed and the hospitality sector open ... would  
14 also result in a value of ... a little less than 1 or  
15 possibly greater than 1."

16 So again, just coming back to the advice that was  
17 being provided at that time, it appears that what the  
18 Department of Health was saying is that: there is a way  
19 of keeping schools open but the consequences may be that  
20 we have to close down other parts of --

21 **A.** I think broadly speaking that was the health position,  
22 yes.

23 **Q.** And it said, and this is at paragraph 15, it says:

24 "Current data shows that COVID cases in  
25 [Northern Ireland] are significantly higher than Wales,

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1 effectively a lockdown, save that schools could remain  
2 open; is that correct?

3 **A.** It may well have been the case, yes.

4 **Q.** But I think, and we've already seen this, I'm not going  
5 to go to it, that that recommendation, I think it was in  
6 and around 13 October, wasn't accepted by ministers and  
7 that instead there was a decision to have a four-week  
8 lockdown, but again with schools open, albeit with  
9 a longer half term break; is that right?

10 **A.** I think that in terms of the decision the option of  
11 taking -- look, I think by that stage there was also  
12 a -- some level of recognition of the costs of lockdown  
13 as well. I think a four-week was agreed at least on  
14 a precautionary basis, because there was always the  
15 option that if things didn't work out within that  
16 period, there was always an option to look at what could  
17 go beyond that.

18 But I think there was also an attempt to try to  
19 balance out. There was a lot of damage being done to  
20 various aspects of society by way of lockdown, by way of  
21 restrictions, so that ultimately was then a position  
22 which the Executive as a whole was able to reach  
23 a consensus on, at least for that -- at that particular  
24 point.

25 **Q.** But certainly in terms of any suggestion that ministers

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1 were effectively just giving the Department of Health  
 2 what it wanted, in that instance we can see that the  
 3 recommendation wasn't accepted, and I think effectively  
 4 ministers came to a compromise position?  
 5 **A.** Well, I think -- yeah, I think from that point of view  
 6 there will have been occasions whenever there was  
 7 a level of compromise within that. So it was not, from  
 8 the point of view, the Department of Health,  
 9 an absolute, but I think in general there was a position  
 10 that if Health pushed for something, in general there  
 11 was an acceptance that that needed to be done.  
 12 **Q.** That four-week period of restrictions fell to end on  
 13 12 November --  
 14 **A.** Yes.  
 15 **Q.** -- didn't it? And it was for that reason that the  
 16 Executive Committee had to meet on 9 November --  
 17 **A.** Yes.  
 18 **Q.** -- to decide what to do and whether or not to continue  
 19 the period of restrictions; correct?  
 20 **A.** That's correct, yes.  
 21 **Q.** And again, it was the Department of Health  
 22 recommendation that effectively the Committee should  
 23 grant the further two weeks and adopt the position that  
 24 the Department of Health had originally asked for;  
 25 correct?

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1 four-week period of restrictions had proved to be any  
 2 sort of magic bullet --  
 3 **A.** No, I think -- I think there was -- the closest we came  
 4 to that was, I think, in the -- I think it was possibly  
 5 the last week that it had been monitored suggested that  
 6 there was an R rate of 0.7. As it turned out -- and  
 7 that was probably the latest data that we had.  
 8 I suspect that ultimately that turned out to be a little  
 9 bit of a blip, if you like, in terms of the way the  
 10 figures went.  
 11 **Q.** Again, just to come back to this point, the half term  
 12 for children had been extended --  
 13 **A.** Yes.  
 14 **Q.** -- by two weeks, but --  
 15 **A.** No, it was extended -- it was a one-week that was  
 16 extended to two weeks --  
 17 **Q.** Sorry, yes.  
 18 **A.** -- effectively.  
 19 **Q.** But besides that, this wasn't a full lockdown that was  
 20 being proposed. It remained the position that children  
 21 would be able to go to school; is that right?  
 22 **A.** That was correct.  
 23 First of all, I think that it was not any sort of --  
 24 certainly at that stage, until we came, really, to the  
 25 end of the year, there was no suggestion from Health or

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1 **A.** That's correct, yes.  
 2 **Q.** We can see -- and perhaps if we just have the formal  
 3 note in order to be able to follow it. It's  
 4 INQ000048497.  
 5 This meeting had been preceded, hadn't it -- I'm not  
 6 going to take you to it, Lord Weir --  
 7 **A.** Okay.  
 8 **Q.** -- but a paper that effectively set out the reasons why  
 9 the period of lockdown was still required. Yes?  
 10 **A.** I think that's probably correct, yes.  
 11 **Q.** On 5 November. And the reason was because the CMO, the  
 12 CSA and I think the minister were not satisfied that the  
 13 four-week period of restrictions had had the effect that  
 14 was hoped for?  
 15 **A.** Yes, I think that is correct. I think there was  
 16 a broader complication that we tried to do various  
 17 things and ultimately anything, even by way of  
 18 restrictions, was not producing -- we were getting  
 19 a certain law of diminishing returns within that, and  
 20 what I suppose might have worked well in March was not  
 21 working as effectively on the same basis if it was  
 22 attempted in October.  
 23 **Q.** Yes.  
 24 **A.** November, sorry.  
 25 **Q.** I don't think there was any suggestion that this

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1 anybody else that if you like the plug should be pulled  
 2 on schools, that that was seen as the high priority.  
 3 I think we worked with Health to see whether there was  
 4 additional, you know, whether there was if you like  
 5 a contribution that schools could make. And as such  
 6 I was -- I didn't want, and I don't think it was pushed  
 7 by Health, that if we moved back to, even for a period  
 8 of time, a full closure of schools, that that would be  
 9 a retrograde step, given some of the damage, there was  
 10 a situation whereby at least there was an opportunity to  
 11 avoid moving into that situation by way of an extra  
 12 week's holiday. And I think the other factor as well  
 13 is, if there was going to be -- if it was going to be  
 14 a very short-term intervention in schools, that was the  
 15 better way of doing it. I think that the experience  
 16 that we had had in the spring was that schools were able  
 17 to, to a greater or lesser extent, adapt to remote  
 18 learning, but probably the most difficult choice would  
 19 have been if they were having to chop and change between  
 20 remote learning and face-to-face teaching. So it was  
 21 seen, I think, it was better to be in a situation where  
 22 there was some, I think -- additional school days could  
 23 be put into that to make a contribution to the overall  
 24 impact, to try to reduce the transmission rates.  
 25 **Q.** Just coming back to the position coming into the meeting

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1 on 9 November, as far as you're concerned, your priority  
2 that schools remained open, that was going to remain the  
3 position; correct?

4 **A.** It was, but I mean, I think that was -- and that would  
5 have been my top priority, but that didn't mean, in the  
6 broader sense, on either side of the equation, I didn't  
7 have other concerns.

8 **Q.** I'm going to ask you about those concerns in a moment,  
9 but as we can see if we come, please, to paragraph 12 of  
10 this minute.

11 So the first matter that arose was whether or not to  
12 grant or to accept that there should be a two-week  
13 period of restrictions, albeit with schools open;  
14 correct?

15 **A.** It was the first matter which came to a vote. There was  
16 a considerable level of discussion and indeed an attempt  
17 to say, yes, there can be a level of acceptance, there  
18 will be a level of acceptance of this, but there was  
19 a concern that on a couple of aspects of what were  
20 proposed that there wasn't a very strong evidential  
21 basis of potential good impact, if I can put it that  
22 way.

23 **Q.** So what you were taking issue with was whether or not  
24 there was a proper basis for extending the measures by  
25 two weeks; is that --

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1 wasn't a strong evidential basis for them to be closed  
2 or remain closed --

3 **Q.** All right, so there's a legitimate debate to be had --

4 **A.** Yes.

5 **Q.** -- about the possible consequences of locking down --

6 **A.** Yes.

7 **Q.** -- based on the economic consequences --

8 **A.** And I think beyond that -- there was that element of  
9 things, and I think part of the complication at that  
10 meeting was then that there was a push, at least by some  
11 ministers, to decide effectively to do the two weeks  
12 before you even looked at the paper that was being  
13 produced on the economy.

14 I suppose myself and others felt that at the very  
15 least we should be in a position that we took all the  
16 evidence before we reached a decision.

17 And I think particular to that -- because there was  
18 never a proposition which says the two weeks should not  
19 happen. What there was, was to say there was a concern  
20 over a couple of aspects which we felt that there wasn't  
21 a strong evidential basis for a level of shutdown and we  
22 were looking, effectively, to slightly amend that  
23 two-week shutdown.

24 **Q.** So can you explain, then, if the issue was one about  
25 concern about whether or not sufficient regard had been

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1 **A.** No, I think that maybe doesn't give it the nuance that  
2 it deserves.

3 There was an issue that if simply we were to roll  
4 over -- there was probably two specifics -- there was  
5 a very major concern -- the Department of Economy had  
6 produced a paper showing that the impact on people's  
7 livelihoods on the economy was potentially devastating:  
8 we had -- they had estimated that it was a £400 million  
9 hit simply because of the four weeks. And that was  
10 a concern which needed to be weighed in the balance  
11 overall as well.

12 And it isn't simply -- sometimes that's presented as  
13 a, you know, livelihoods against lives. I think it's  
14 not as straightforward as that. If you plunge society  
15 into such levels of poverty, then that has a very major  
16 impact in the long run in terms of health impacts.

17 There was a concern that there was a willingness to  
18 accept the overall extension but that in terms of -- as  
19 you say, it wasn't a complete lockdown, so it was  
20 a matter of -- there was a nuance of exactly where the  
21 regulations were going to be, what was permissible and  
22 what wasn't, and I think there was a feeling at least,  
23 particularly articulated by the economy minister, that  
24 in two particular aspects -- which probably in the grand  
25 scheme of things were not that enormous -- that there

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1 taken to the economic consequences, why you were one of  
2 the people who supported this being decided on the basis  
3 of a cross-community vote?

4 **A.** Because I felt that the -- first of all, I think  
5 a cross-community vote has been used frequently in  
6 different formats since 1998. It is something which is  
7 designed to try to ensure that -- whether it's the  
8 Assembly or whether it's the Executive, that simply you  
9 can't get a majority and just effectively ignore any  
10 minority voices.

11 The purpose I think of the cross-community vote in  
12 this particular case was to say: we want to reach  
13 a situation where there is acceptance of the two-week  
14 period, that the vast bulk of the regulations are  
15 unchanged, but can we have a little bit of -- there have  
16 been serious concerns raised here, we don't want to cut  
17 off this debate -- which would have effectively occurred  
18 whenever the vote was proposed -- and that actually we  
19 want to see these couple of aspects, in which there  
20 isn't a particularly strong evidential basis, that there  
21 is some level of compromise to reach a consensus.

22 If simply the vote went through, then that killed  
23 off any prospect of a consensus. And indeed I think in  
24 the run-up to the vote the Minister of Agriculture, who  
25 proposed the vote, had said, "Look, we do not -- this is

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1 not the preferred route, this was a route of almost last  
2 resort, we want to actually keep discussing this and  
3 reach a consensus and a compromise". But essentially if  
4 people were saying, "No, this has to be put to a vote,  
5 there should be no further discussion", then that was  
6 a device at least to keep open the debate so that we  
7 could try to reach a resolution to which everybody could  
8 at least sign up to. They wouldn't get everything they  
9 wanted but at least that there was a greater level of  
10 balance.

11 **Q.** Lord Weir, the cross-community vote doesn't exist, does  
12 it, just so that issues about which a minority of  
13 politicians feel strongly about can be, as it were,  
14 protected by the use of that vote, does it? It's called  
15 the cross-community vote for a reason: it exists to  
16 protect minority interests within the community;  
17 correct?

18 **A.** I would ... in -- I think this is where a difference in  
19 theory and practice. There has been common usage of --  
20 either within the Assembly, a petition of concern, or  
21 the triggering of a cross-community vote as a level of  
22 protection, and it has been there since 1998 within the  
23 Assembly, and with the Executive since 2007. And in  
24 practice the way that it has been used has been to try  
25 to make sure that you don't reach a point at which

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1 have created the danger of one community or other simply  
2 being steamrollered over, with resultant resentment from  
3 that community."

4 What community were you referring to in your witness  
5 statement?

6 **A.** I was probably making that in a more -- more general  
7 point. The issue is that one of the values -- there are  
8 many complications that are there with having  
9 a mandatory coalition of five parties across that.  
10 Possibly one of the advantages at least that we did have  
11 from that during the pandemic was that when a decision  
12 was taken, and taken with a level of unity, the message  
13 was going out to the public that representatives from  
14 across the spectrum were in support of something.  
15 I think it meant that while there was a problem  
16 generally with compliance, that at least it increased  
17 the likelihood of people being observant of that and  
18 having a level of buy-in within that.

19 If it reached at point at which it was clear that  
20 representatives of a particular section of our society  
21 were simply just getting ignored or outvoted, I think  
22 that that diminished the opportunity to send out  
23 a message that, as a whole, Northern Ireland was on the  
24 same page.

25 **Q.** Because there was only one community in Northern Ireland

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1 simply a majority forced something through against the  
2 wishes of a minority.

3 So it was something that I think there was caution  
4 before it was used but there have been many numerous  
5 examples of it being used over the years. It is  
6 a procedural device in that regard. And the aim of it  
7 in this case was to try to reach a point at which simply  
8 we could reach a consensus.

9 And it wasn't -- I think getting at least a unity of  
10 purpose is something that the Executive should and was  
11 mostly striving for, to reach a situation in which,  
12 instead of reaching a point at which there was simply  
13 a 6/4 vote in favour of something and that simply  
14 happened, I think there was a feeling with a little bit  
15 of -- a small amount of change we could reach a point at  
16 which everybody was willing to support and we felt that  
17 was a device to keep the debate alive and try to ensure  
18 that we reached a point at which there was that  
19 consensus.

20 **Q.** I'm going to ask you about a number of aspects of that.  
21 I wanted to put to you what you said in your statement  
22 about it. You said that:

23 "While it is preferable to reach consensus,  
24 particularly in a pandemic situation, I don't believe  
25 cross-community voting should be excluded. That would

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1 for the purposes of the pandemic; do you agree with  
2 that?

3 **A.** I agree for everything there is ultimately one -- we are  
4 all a community of human beings, and whether that's the  
5 pandemic or anything else. I think, as I said, the  
6 purpose of cross-community vote was to try to make sure  
7 that -- and in general, the thing is to try to make sure  
8 that decisions have got a wide buy-in.

9 I think we reached a point probably at that point in  
10 November it probably was a certain level of perfect  
11 storm, that probably the frustration with the fact that  
12 we weren't seeing entirely the success that -- the hopes  
13 that maybe had been there during the summer had been  
14 dashed and that we weren't seeing the -- almost no  
15 matter what we did wasn't seeming to turn back the tide  
16 in terms of that.

17 I think we reached, simply, a point where there had  
18 been a level of frustration and agitation across the  
19 board, possibly exacerbated, I think, on the occasion --  
20 sporadically within the Executive, which didn't help the  
21 overall atmosphere, there had been at times leaks to the  
22 media. I think it was probably a little bit unfortunate  
23 that during the middle of that, I think there were --  
24 two leaks went out in the middle of that, middle of that  
25 meeting. That probably didn't help the atmosphere. And

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1 probably people got into a position across the board  
 2 where people maybe entrenched themselves into positions  
 3 more so than at a different time they would have done.  
 4 It was kind of a build-up of tension in that regard.  
 5 **Q.** So possibly at a point in time when decision-making was  
 6 at its most knife edge and sensitive and important for  
 7 all people across Northern Ireland, people fell into  
 8 these entrenched positions; correct?  
 9 **A.** Well, by "entrenched position" I'm not necessarily  
 10 saying that's a Unionist or Nationalist entrenched  
 11 position. I think the tensions within the Executive --  
 12 because I think the position in terms of the approach  
 13 that people took -- ultimately there was a limited  
 14 amount of difference across the board throughout the  
 15 pandemic from the Executive but there was probably  
 16 a spectrum of views. I think we ended up in a situation  
 17 where that was the spectrum that hit on -- you know, and  
 18 it was probably, to some extent, to what extent are  
 19 restrictions embraced, to what extent is the  
 20 countervailing pressure of the detrimental impact. And  
 21 people made a level of judgement call on where the exact  
 22 balance should be struck. Maybe people came to slightly  
 23 different views on where that balance should be, and  
 24 I think at that point perhaps -- as I said, had we been  
 25 moving from a situation in which there had been much

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1 **A.** Yes.  
 2 **Q.** -- on the question of whether or not to extend the  
 3 restrictions?  
 4 **A.** And again -- again, part of the issue was because we  
 5 hadn't reached a consensus on that basis. And I think  
 6 that there was a little bit of breathing space before we  
 7 had to ultimately reach a decision and I wanted to  
 8 facilitate a scenario within which we were able to get  
 9 something which everybody across the board could buy  
 10 into.  
 11 **Q.** Just to finish off on this issue, perhaps if we could go  
 12 back to the document at INQ000048497. Page 3, and  
 13 paragraph 13.  
 14 It's right, Lord Weir, that the Minister for Justice  
 15 is not a politician who is affiliated to a Nationalist  
 16 or Unionist position; correct?  
 17 **A.** Yes, I mean, the issue I think --  
 18 **Q.** Sorry, I'm just going to --  
 19 **A.** No, she's in a party which doesn't designate as either  
 20 Unionist or Nationalist.  
 21 **Q.** So she:  
 22 "... recorded her deep concern about the use of  
 23 a Cross-Community Vote, which she believed would  
 24 sectarianise the issue; be used as a veto to stop  
 25 consensus from being achieved; and exclude her from the

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1 greater level of overall success in terms of the public  
 2 health situation, perhaps those tensions wouldn't have  
 3 been there to the same extent.  
 4 **Q.** I'm not going to go to this, but in fact the question of  
 5 whether or not to extend restrictions, I think by  
 6 a week, went to a vote as well, didn't it?  
 7 **A.** We eventually reached the point --  
 8 **Q.** There was a compromise --  
 9 **A.** I think there was -- possibly, if memory serves me  
 10 right, ultimately there was three votes. There was  
 11 different attempts to put forward different  
 12 propositions, so a proposition that the -- I think that  
 13 effectively there be cognisance given to the economy  
 14 paper wasn't supported by a majority of the Executive.  
 15 Eventually what we did end up -- that it did lead -- it  
 16 was not the most edifying period for the Executive but  
 17 we did end up with a situation which was further than --  
 18 if you like, was nobody's perfect position, but we  
 19 reached a point, I think, at the end of this process,  
 20 over a number of days, of a position which basically the  
 21 Executive was at least able to --  
 22 **Q.** Sorry, I'm going to cut through this, Lord Weir.  
 23 **A.** No, I understand that.  
 24 **Q.** You were the person who proposed the second  
 25 cross-community vote --

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1 voting process; and requested that further efforts be  
 2 made to find consensus on the matter."  
 3 That was before it went to the first cross-community  
 4 vote.  
 5 **A.** And what we -- and from that point of view, first of  
 6 all, we'd made it clear that we'd -- that that was  
 7 not -- it was not a preferred route to use that.  
 8 To put this in a context which may not  
 9 automatically ... it is also the case that the justice  
 10 minister and the Alliance Party, and a perfectly valid  
 11 position, have, largely speaking, been hostile to the  
 12 cross-community mechanism pretty much on any issue  
 13 because there is an argument from 1998 that those who  
 14 don't designate are slightly relegated into a reduced  
 15 position. So this was -- it's something that was  
 16 entirely consistent with a position that probably  
 17 existed for more than 20 years.  
 18 The central proposition, I think, of the Minister  
 19 for Justice was that we needed to reach a point at which  
 20 there was a level of consensus, and I think eventually,  
 21 through a combination of proposals by the Minister for  
 22 Justice and the Minister for the Economy, there was  
 23 something which at least everybody was ultimately able  
 24 to live with in that regard.  
 25 **Q.** Lord Weir, I'm just going to finish on this, if I may.

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1 Looking back at this, do you regret that decision-making  
 2 about such an important issue in Northern Ireland at  
 3 this particularly sensitive time ended up being decided  
 4 in this manner and in a vote?  
 5 **A.** I think that it would have been much more preferable if  
 6 we had not had that situation in the first place and  
 7 that -- I think the outcome which I always wanted to see  
 8 was reaching a level of consensus. I think we were  
 9 always a lot stronger when we had a, broadly speaking,  
 10 agreed position, even if on a range of things it wasn't  
 11 necessarily the first position of anyone.  
 12 **Q.** Because although you've said that this was about keeping  
 13 debate going and --  
 14 **A.** Yes.  
 15 **Q.** -- not closing out issues, the consequence of this kind  
 16 of positioning by politicians in terms of public  
 17 confidence in politicians is clearly, or must have been  
 18 clear, an issue of potential concern and had the  
 19 potential to do further damage to public adherence,  
 20 for example, to restrictions?  
 21 **A.** Look, I think that being in a situation in which there  
 22 was disagreement when the Executive and a division in  
 23 terms of votes is not one that's going to help fully  
 24 public confidence in that regard, which was why  
 25 achieving a consensus was the main thing.

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1 days were a very difficult period, and they were not --  
 2 they were not the brightest hour in the Executive's  
 3 handling of things. On that basis, it was something  
 4 that I -- you know, I wish we'd reached a situation  
 5 a lot quicker and something again that we were able to  
 6 reach a consensus on. It was something that I wish it  
 7 hadn't developed the way that it had.

8 **MS DOBBIN:** Thank you, Lord Weir.  
 9 My Lady, those are all my questions.

10 **LADY HALLETT:** Thank you.  
 11 Mr Wilcock.

#### 12 Questions from MR WILCOCK KC

13 **MR WILCOCK:** Lord Weir, I represent the Northern Irish Covid  
 14 Bereaved Families for Justice.

15 **A.** Yes.

16 **Q.** The question I want to ask you relates to the  
 17 Executive's dealings with care homes.

18 **A.** Yes.

19 **Q.** So it's a different topic.

20 **A.** Yes.

21 **Q.** The starting point of the question is your evidence this  
 22 morning that the first major presentation to the  
 23 Executive about Covid was on 2 March.

24 **A.** Yes.

25 **Q.** In that context, I wonder whether I can ask for your

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1 I think there were other aspects that happened in  
 2 the political sphere earlier in the year which probably  
 3 had a much greater level of impact on public confidence  
 4 than the events of November.

5 **Q.** Right, well, I think those are matters that we'll  
 6 explore with other witnesses.

7 **A.** No, I understand that, but I think --

8 **Q.** Because there are other questions?

9 **A.** No, I understand that, yes.

10 **Q.** In order to be even-handed about this, I think that the  
 11 point that you would make is that the deputy First  
 12 Minister's attendance at the Storey funeral, you regard  
 13 that as having had an impact on public confidence --  
 14 **A.** I think in the same way as -- and it may be less even  
 15 from a Unionist/Nationalist point of view, but from the  
 16 basis that in -- people look to what example is produced  
 17 by those who are giving the laws, and if they see  
 18 a level of divergence from that, that that massively  
 19 undermines -- people come to conclusions sometimes: is  
 20 it one rule for them, meaning the political class --  
 21 rather, I'm not even necessarily saying in terms of  
 22 direct political party -- is it another rule for the  
 23 people? I think that was a much greater level of  
 24 undermining the public confidence than what happened in  
 25 November. But November was not -- those two or three

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1 witness statement, INQ000408058, to be put on screen and  
 2 highlight paragraph 66, please. So this is the witness  
 3 statement that you have been referring to this morning,  
 4 that you made for this Inquiry in January of this year.

5 Can you see, about five lines down in that  
 6 paragraph, after you describe that although the  
 7 Executive was briefed and took a number of measures on  
 8 the issue of the impact of Covid on care homes, you  
 9 thought that:

10 " ... as an Executive, we didn't pick up the extent  
 11 and scale of the problem immediately, and the level of  
 12 impact on care homes only really became apparent in  
 13 a wider context to ministers, when the mortality rate  
 14 through Covid started to escalate, and infections and  
 15 deaths within care homes were seen to [reach] such  
 16 a high percentage of the total."

17 Can you see why some people might find it at best  
 18 surprising and at worst quite shocking that the  
 19 Executive as a whole failed to pick up the extent and  
 20 scale of the potential problem in care homes immediately  
 21 at the outset of this pandemic, in spite of any  
 22 briefings they received and the fact that many people  
 23 may think that the occupants of care homes were very  
 24 obviously extremely vulnerable to what you were dealing  
 25 with at that time?

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1 **A.** I think -- I think that there was a failing in relation  
 2 to care homes. I think that the actions that needed to  
 3 be taken in care homes was something that -- there was  
 4 probably a level of trust at the start to simply say:  
 5 this is a Department of Health matter, that the  
 6 operational stuff on the ground needed to be the case,  
 7 and so there was perhaps -- whenever I'm talking about  
 8 briefings, probably in terms of timeframe, there was  
 9 a number of times when it was raised, it maybe wasn't  
 10 immediately at the exact point of lockdown, but it was  
 11 raised by a number of ministers I think from April  
 12 onwards and was raised on a fairly consistent basis.  
 13 The response that we quite often got from Health was:  
 14 "Well, this is being done or that is being done. We are  
 15 pursuing, We are issuing this new guidance. We are  
 16 doing that on that basis".

17 Where I think from the point of view of  
 18 a reflection, I would say, was that certainly with the  
 19 benefit of hindsight, the approach taken, and it maybe  
 20 derives from the overall SAGE sequencing, was I think  
 21 stage 3 was effectively: try and reduce the overall  
 22 level of transmission; stage 4 was to particularly  
 23 target measures at the vulnerable within our society,  
 24 which clearly those in care homes would be.

25 I think, on reflection, that is one of the things

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1 loneliness and isolation.

2 So, in many ways, I think for the vulnerable in our  
 3 society, care homes became and is something which is  
 4 totemic of the wider problem and the wider dilemma that  
 5 we had there. But if you're asking me if we were doing  
 6 this again, I think that we should have -- I think there  
 7 should have been an action. I think there wasn't  
 8 maybe -- there was an assumption that everything was  
 9 getting sorted out. I think that there was not enough  
 10 of a fast-tracking with hindsight in terms of doing  
 11 everything that they possibly could, including -- again,  
 12 we probably made an assumption -- that if somebody was  
 13 being released back into a care home from a hospital  
 14 that they were completely free of any virus. I think  
 15 there probably wasn't enough checks in relation to it.  
 16 Again, that was something I have to say on a personal  
 17 basis I experienced because I think around about March  
 18 or April time in the pandemic, my mother had a fall,  
 19 ended up in hospital for a week. I was not able to see  
 20 her for that week. She was able to be brought home.  
 21 Thankfully, she didn't have the virus. But I think --  
 22 I think it is something which, as an Executive, it may  
 23 be difficult to pinpoint. I don't want to scapegoat  
 24 individuals or anything of that nature, but collectively  
 25 as society and collectively as an Executive, we didn't

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1 I think that was got badly wrong, that there should have  
 2 been more cognisance from day one, and if, heaven  
 3 forbid, we find ourselves in a situation as the  
 4 replicated, there should be a much more laser like focus  
 5 on care homes.

6 Can I say, I have a considerable level of empathy  
 7 with the very difficult position the people in care  
 8 homes had, both from the point of view of the  
 9 susceptibility to the virus and also the countervailing  
 10 damage that was done to them because the amount of --  
 11 the amount of contact with the outside world had to be  
 12 cut. During -- throughout Covid, I had -- I was the  
 13 carer for my 91-year-old mother who had dementia. She  
 14 was someone then throughout that, apart from myself and  
 15 a couple of carers who were brought in, were really from  
 16 maybe a year, year and a half the only people physically  
 17 in with her. I knew that if she wasn't isolated that  
 18 that -- she was somebody that was going to be vulnerable  
 19 and would be a high level of risk. But I also saw the  
 20 flip side of the coin, which is why I have such great  
 21 sympathy for any families left in that position, that  
 22 for what turned out to be most of the last year and  
 23 a half of her life, most of her friends and family were  
 24 not able to be anywhere near her, and I could see that  
 25 that was having a detrimental effect on her in terms of

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1 get it right with regards care homes. I would certainly  
 2 admit and agree with that.

3 **Q.** The Executive failed care homes, in short, didn't it?

4 **A.** I think -- I think it didn't do the job that ultimately  
 5 it should have done. Now, how much of that was  
 6 absolutely apparent at the time may be questioned.  
 7 I think there was probably a little bit of a barrier  
 8 there in that initially it was something that -- in  
 9 terms of the issue of -- issues of PPE, issues of  
 10 testing were largely carried out very much on  
 11 an operational basis by Health, and there was probably  
 12 a little bit of a time lag before we got the information  
 13 on that. And there's maybe an argument that before  
 14 there was a full realisation of the need to take action  
 15 that before we reached that point there was maybe  
 16 a certain element of missed opportunity. It was  
 17 something that we kept on pressing Health to do, and  
 18 there were responses given to the Minister of Health in  
 19 connection to that, but I think if you were -- again, if  
 20 you were doing this again, I think being in a situation  
 21 where those vulnerable in our society are actually put  
 22 front and centre of any response to the pandemic would  
 23 be the way that I think -- I think it's one of the  
 24 lessons collectively -- and I think it's probably not  
 25 something that was unique to Northern Ireland, but

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1 I think it's a lesson that needs to be learned  
2 throughout this.

3 **MR WILCOCK:** Thank you very much.

4 **LADY HALLETT:** Thank you, Mr Wilcock.

5 **Questions from THE CHAIR**

6 **LADY HALLETT:** Lord Weir, before I let you go, as far as the  
7 sense of urgency at the beginning.

8 **A.** Yes.

9 **LADY HALLETT:** If the Department of Health had pressed for  
10 the stand-up of the civil contingency arrangements --

11 **A.** Yes.

12 **LADY HALLETT:** Forgive me, I hate acronyms. Is it NICCMA?

13 **A.** Yes, I think so.

14 **LADY HALLETT:** Had there been a greater sense of urgency  
15 coming from the Department of Health, do you think that  
16 might have helped other ministers around the Executive  
17 table?

18 **A.** Look, I think if there had been a request to stand that  
19 up, I think, first of all, it would have been something  
20 that nobody had any problem with supporting. I think  
21 directly, in terms of my own department's involvement,  
22 at the lesser stage, certainly, I think it was my  
23 permanent secretary had gone along to the CCG meeting on  
24 28 February. We were very happy to participate and  
25 contribute to that. I think we got until relatively

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1 **A.** Well, I would say two things. First of all, I think  
2 that the structures that we developed later on in the  
3 Executive through the Executive Taskforce was probably  
4 a better structure than what we started off with.  
5 I think it is inevitable, and I can see certain  
6 advantages in having a lead department, because I think  
7 there's a bit of a danger that if two departments and  
8 nobody's quite clear who is leading there's a bit of a  
9 tendency that one thinks the other is going to do  
10 something and the other -- in relation to it.  
11 What I would say is, I think the model of leading,  
12 if I can use an analogy, should be as -- call it  
13 chairman of the board rather than CEO. It shouldn't be  
14 a situation that whoever's leading is essentially just  
15 giving orders to the other departments. I'm not saying  
16 that necessarily happened, but from the point of view of  
17 that it's got to be done in a collegiate way and in the  
18 spirit of whoever's leading effectively being genuinely  
19 the first amongst equals.

20 **LADY HALLETT:** Thank you very much. Thank you very much for  
21 your help. I can't guarantee I won't impose on you  
22 again because I do have a module dealing with children  
23 and young people, but I do understand the burdens it  
24 places on you, so I hope we won't have to call on you  
25 again, but thank you for your help anyway.

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1 close to the point at which lockdown occurred. I think  
2 that there was a realisation across the board, but  
3 particularly from Health, that there were some major  
4 problems coming, and I don't know -- I mean, look, this  
5 may be something which you may need to probe with some  
6 of the health experts -- whether the medical and  
7 scientific advice across the UK was seeing things in  
8 a slightly different timeframe. I didn't, until  
9 relatively close to the point at which action was taken,  
10 see a great sense of immediacy and -- and maybe that  
11 changes it slightly from the word "urgency", that there  
12 were things that needed to be done with almost immediate  
13 effect, and I think that probably came relatively late  
14 in the day.

15 **LADY HALLETT:** The second question: as you may know, there  
16 were -- the Inquiry has discovered there were -- I don't  
17 know if the word "complaint" is right, but forgive me --  
18 complaints by the First Minister and the deputy First  
19 Minister about their lack of control during a national  
20 emergency.

21 I just wondered, given your experience of working in  
22 the Executive and in politics for such a long time, can  
23 you see any place for different structures to make sure  
24 that there is better control in a national emergency  
25 where people are losing lives?

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1 **THE WITNESS:** Thank you, my Lady.  
2 **(The witness withdrew)**

3 **LADY HALLETT:** Right, I shall adjourn now and return at  
4 1.45.

5 **(12.50 pm)**

6 **(The short adjournment)**

7 **(1.45 pm)**

8 **LADY HALLETT:** Sorry if you've been up and down and mucked  
9 about, Ms Dodds.

10 **MR SCOTT:** My Lady, may we call Ms Diane Dodds.

11 **MS DIANE DODDS (sworn)**

12 **Questions from COUNSEL TO THE INQUIRY**

13 **Q.** Good afternoon. Would you provide your full name,  
14 please.

15 **A.** Diane Dodds.

16 **Q.** I understand, Lady Dodds, that that is your formal  
17 title, Lady Dodds, but your preference is that you use  
18 the term Mrs Dodds; that's customary for your political  
19 background?

20 **A.** Yes, so my work environment, yes. Thank you.

21 **Q.** Thank you for assisting the Inquiry. Can I ask you to  
22 keep your voice up, speak into the microphone. It may  
23 be that one of us goes too quickly, in which case we'll  
24 need to slow down the pace.

25 You provided a witness statement dated

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1 13 March 2024. That's at INQ000436924.  
 2 Your signature and the statement of truth is at  
 3 page 46. Please can you confirm that the contents of  
 4 that statement are true?  
 5 **A.** Yes, they are.  
 6 **Q.** And you're content to rely upon the statement in  
 7 evidence to the Inquiry?  
 8 **A.** I am.  
 9 **Q.** If I can just summarise your political career very  
 10 briefly. So you were elected as a Democratic Unionist  
 11 MLA for Belfast West in 2003. You held a position as  
 12 a Democratic Unionist councillor in Belfast City Council  
 13 in 2005. You were elected as a Democratic Unionist  
 14 member of the European Parliament in 2009. And then you  
 15 were co-opted to the Northern Ireland Assembly as  
 16 a Democratic Unionist MLA on 11 January 2020. Is that  
 17 correct?  
 18 **A.** That is correct.  
 19 **Q.** Relevantly to the Inquiry, you were appointed as  
 20 Minister for the Economy from 11 January 2020 to  
 21 13 June 2021, is that also correct?  
 22 **A.** That is correct.  
 23 **Q.** Your statement sets out the responsibilities of the  
 24 Department for the Economy, so I won't propose to deal  
 25 with that here.

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1 Northern Ireland couldn't have funded the response  
 2 without the additional funding from the United Kingdom  
 3 Government?  
 4 **A.** No, the -- I actually -- first of all, I don't think  
 5 that any devolved regional assembly could have actually  
 6 funded their response to the Covid pandemic in the way  
 7 that it was done.  
 8 So Northern Ireland very much relied upon the  
 9 furlough scheme, the self-employed scheme, the  
 10 bounceback loans, the kind of measures that were put  
 11 there nationally, but in addition to that we then  
 12 developed schemes of our own to support the economy  
 13 here.  
 14 And an interesting, probably, aside for the Inquiry  
 15 to consider is that in the -- the Northern Ireland Audit  
 16 Office has done a series of reports on the Executive's  
 17 response to the pandemic, mainly outlining the financial  
 18 and the schemes and so on, and by -- in the second  
 19 Northern Ireland Audit Office report -- and I apologise,  
 20 I should have added this as information and can add it  
 21 as an addendum if you so wish -- in the second Audit  
 22 Office report, by the end of March 2021,  
 23 Northern Ireland, the pandemic happened -- about  
 24 6.2 billion had been spent additional to the block  
 25 grant --

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1 If I could just deal firstly with funding of  
 2 Northern Ireland, is it correct that Northern Ireland's  
 3 predominantly funded through the block grant?  
 4 **A.** It is. Northern Ireland gets an allocation from the  
 5 block grant. This year it is around 14.5 billion, and  
 6 that funds public services, education.  
 7 **Q.** The main part of the block grant is what's called  
 8 a Barnett consequential, so about 3% of what Westminster  
 9 spends is then provided to Northern Ireland; is that  
 10 right?  
 11 **A.** Yes. Well, Barnett consequentials come to  
 12 Northern Ireland on foot of decisions made primarily on  
 13 new policy for England and Wales, and therefore  
 14 Northern Ireland gets a consequential amount of funding  
 15 in relation to that as well as the block grant.  
 16 **Q.** Thank you. Northern Ireland's able to spend those  
 17 consequentials exactly how it wishes; is that right?  
 18 **A.** Sometimes those consequentials can be ringfenced or  
 19 identified for a particular purpose, but mostly they can  
 20 be used in whatever way the Northern Ireland Executive  
 21 wants to use them.  
 22 **Q.** You say in your statement that the Assembly was never  
 23 going to be able to provide the enormous amounts of  
 24 funding required in order to fund the response to the  
 25 pandemic. So is it right that effectively

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1 **Q.** Yes.  
 2 **A.** -- in Northern Ireland.  
 3 **Q.** If I can just break down some of those figures.  
 4 **A.** Yes.  
 5 **Q.** So by 19 March 2020 to --  
 6 **A.** Yeah.  
 7 **Q.** -- there was over £900 million available through Barnett  
 8 consequentials. Does that sound about right?  
 9 **A.** No, the Northern Ireland Audit Office reports indicates  
 10 that by -- of that 6.2 billion, around 3.9 billion was  
 11 direct action in relation to the economy and wider  
 12 services, so vulnerable people, et cetera, et cetera,  
 13 and 3.3 billion of that was from Barnett consequentials.  
 14 **Q.** I think we're talking about two slightly different  
 15 timeframes.  
 16 **A.** Oh, sorry.  
 17 **Q.** So by 19 March 2020 there was --  
 18 **A.** Oh, 2020, sorry. I mean 2021. I've raced ahead,  
 19 I apologise.  
 20 **Q.** That's absolutely fine because we have the --  
 21 Sir David Sterling indicated that the Northern Ireland  
 22 Audit Office had confirmed by 24 July 2020, 2.2 billion  
 23 had been provided. So you can see it actually starts  
 24 quite high and then the numbers increase over the  
 25 lifetime of the pandemic.

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1 A. They do, yes.

2 Q. You also then say in your statement that officials had  
3 been looking at whether there's any funds to mitigate  
4 the impact of the pandemic, and that with the benefit of  
5 hindsight that there were actions, for example PPE and  
6 scaling up testing, could have been planned a lot  
7 earlier, but that would have required vast sums of  
8 money.

9 Would you be able to expand upon what with the  
10 benefit of hindsight the additional preparations you  
11 think should have been?

12 A. Well, I think that, as we went through the late  
13 January/February period in relation to that preparation  
14 period, we will have known, and the Department of Health  
15 will have known, that we will have a great need for some  
16 of these things. And on 12 March, if I can recall  
17 accurately, we -- the department took a decision, the  
18 Department of Health, to stop testing, and I do believe  
19 that that was in part because there were not enough  
20 tests to actually facilitate the mass testing that we  
21 might have otherwise concluded.

22 Now, we have some amazing pharmaceutical companies  
23 in Northern Ireland, and those pharmaceutical companies  
24 developed tests as the pandemic went on and had a very  
25 large role in testing across the whole of the

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1 see a way within the economy to financially support  
2 firms and companies and individuals.

3 Q. Carrying on with furlough, we know that it was extended  
4 on at least two occasions in the autumn and in the  
5 winter of 2020?

6 A. Yes.

7 Q. To what extent did the knowledge of whether furlough was  
8 going to be extended have any impact upon the ability of  
9 the Northern Ireland Government to plan its own spending  
10 arising from those additional Barnett consequentials?

11 A. Oh, I think that that had a really significant impact on  
12 how you plan and how you mitigate in terms of the  
13 pandemic. If we think of September 2020, in  
14 September 2020 furlough was reduced to 70% of hours not  
15 worked. By October, furlough was to be reduced to 60%  
16 of hours not worked.

17 Now, that actually meant that there was a real fear  
18 that we would add huge numbers more to the unemployment  
19 register because firms could not continue to either make  
20 up the additional amount of money, because they weren't  
21 operating at full value, or that firms would just simply  
22 say: we can't do any more, that's what we'll do.

23 I'll cite you one particular example which I think  
24 is quite important. Aerospace in Northern Ireland is  
25 a huge and very prestigious industry for

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1 United Kingdom, but it was partly capacity, planning and  
2 finance.

3 Q. Yes. Thank you.

4 In terms of planning, as you say there, just picking  
5 the threads of the Barnett consequentials, was there  
6 sufficient clarity to your department or the Department  
7 of Finance about both the amounts and the dates on which  
8 there would be the payment of the Barnett consequentials  
9 which would then allow the Northern Ireland Government  
10 to plan its response?

11 A. So if we're talking about the early part of the  
12 pandemic, I don't think that -- and of course you will  
13 have to ask the Department of Finance this in their  
14 evidence. I recall on -- and I have reviewed some of  
15 the Executive papers -- that an Executive paper on  
16 March, one of the agreements was that departments  
17 would look in their own budgets where there would be  
18 additional funding that they could use in the response  
19 to the pandemic. But of course it was never going to be  
20 possible to have enough money within those budgets to  
21 have the enormous response that was required, and  
22 I think really the announcement of furlough on 20 March,  
23 which was then backdated to 1 March, that first national  
24 scheme and some of the additional funding that started  
25 to come then was one of the first times that we could

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1 Northern Ireland, and of course aerospace was absolutely  
2 devastated by that, and Bombardier announced 600 job  
3 losses in June, and the impact was in September when  
4 those redundancies came out.

5 Q. So on that reduction, would the Northern Ireland  
6 Government have been able to fund the gap?

7 A. No.

8 Q. Thank you.

9 If I could then move back into early 2020, so what  
10 did you consider was the role of the Executive prior to  
11 the activation of the civil contingencies arrangements  
12 on 16 March?

13 A. So in the early part of 2020, I think there had been  
14 a decision where the Department of Health was leading on  
15 the planning and on all of the issues around the  
16 pandemic. I think TEO have a co-ordinating role within  
17 the government in Northern Ireland, and I think, if  
18 I recall a paper rightly, the Department of Justice was  
19 to look at how we would deal with issues around excess  
20 deaths, and how we would manage things as well.

21 So we had three departments that were looking at  
22 different aspects of the pandemic, and of course in our  
23 own department we were looking at, you know, the likely  
24 impacts.

25 By the beginning of March we were already beginning

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1 to see quite a significant number of layoffs.

2 **Q.** Yes, but in relation to the question, which was what was  
3 the role of the Executive prior to the activation of  
4 NICCMA, please could you explain what you understood the  
5 role of the Executive Committee as a body to be prior to  
6 16 March.

7 **A.** It, I think, should have been stood up at the request of  
8 the health minister to the First and deputy First  
9 Minister, and therefore the contingency arrangements  
10 would have been stood up in full, and it could have  
11 happened when it was deemed necessary to do it.

12 **LADY HALLETT:** So are you saying it should have been stood  
13 up earlier?

14 **A.** No, I'm saying that's the process that it should have  
15 been stood up. Or that's the process by -- I think  
16 there are probably very good reasons that it may have  
17 been stood up earlier. I think that we, as an Executive  
18 Committee, throughout February probably had not so much  
19 information from the Department of Health around the  
20 planning for the pandemic, and I recall the meeting of  
21 2 March where we had a very significant discussion in  
22 relation to that.

23 **MR SCOTT:** Thank you.  
24 If I can move to the planning within your individual  
25 department --

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1 **A.** Planning really began quite significantly after that,  
2 and particularly when furlough was announced that really  
3 was a game-changer in relation to protecting jobs and  
4 firms and the economy.

5 Then after that we were able to avail of significant  
6 funds that came from London, and we started to initiate  
7 the localised schemes which would start to sort of  
8 alleviate or mitigate the impact of the pandemic on  
9 individuals and businesses.

10 **Q.** You've actually slightly jumped ahead of me.  
11 If we could have INQ000086935.  
12 This is a document that's been shown a number of  
13 times.

14 **A.** Yep.

15 **Q.** And happily the economy is the first page here.  
16 So if we can just scroll down to page 2, please, and  
17 then we'll come back to page 1.  
18 So we can see in "Further Education", for example,  
19 that in the central column, "Potential Impacts", we  
20 have -- it's talking about disruption, potential costs  
21 to support --

22 **A.** Yep.

23 **Q.** -- others and impact upon those. So that was what was  
24 assessed against the further education.  
25 If we can just go back to page 1, please, we can see

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1 **A.** Yeah.

2 **Q.** -- prior to 16 March, if we could have INQ000213585.  
3 And this is an economic impact assessment --

4 **A.** Yep.

5 **Q.** -- provided by your department dated 10 March 2020.  
6 It's right that the Department for the Economy had  
7 stood up its own operations centre on 26 February 2020,  
8 so it was engaged, certainly in the early part of March,  
9 in planning and had been for a couple of weeks?

10 **A.** Mm-hm.

11 **Q.** So this document was provided.  
12 If we can go to the bottom of page 3, please.  
13 So we can see at the bottom paragraph:  
14 "At the time of writing [the] ... Government's  
15 reasonable worst case scenario planning assumptions ..."  
16 And then the department has actually assessed that  
17 against Northern Ireland's growth at that time.  
18 If I could move on, please, to page 6 and the last  
19 paragraph.  
20 And again it's providing the conclusion. That paper  
21 seems to be setting out what the impact is likely to be,  
22 but it doesn't actually say what the department is  
23 likely to do about it.  
24 Are you aware of what planning arose subsequent to  
25 this assessment on 10 March?

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1 that in relation to the top line, "Economy/Business",  
2 that those impacts aren't identified.

3 Do you think that the reason why those impacts  
4 aren't identified in relation to economy/business is, as  
5 you said, that the funding position about what would the  
6 response be able to be at that point?

7 **A.** I'm not sure, in a sense, because this was officials  
8 drawing up their list at that time, and we changed  
9 this -- as time went on we worked very hard at providing  
10 economic impacts to the Executive and so on.  
11 So we knew that if there is a pandemic, if people  
12 cannot work, if people are ill, if businesses close  
13 down, then obviously there is going to be increased  
14 unemployment. And in actual fact, by the end of  
15 April 2020 we had doubled the number of unemployed in  
16 Northern Ireland, so it was a really significant,  
17 difficult first hit at the economy in relation to that.  
18 We were also really concerned that new and  
19 developing businesses, like the creative industries,  
20 couldn't operate.  
21 And if I could just point out another sector of the  
22 economy that --

23 **Q.** Ms Dodds, apologies to cut across you, just it would be  
24 beneficial -- there will be an opportunity to have  
25 a look at some of those papers -- if I can ask you to

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1 focus on the documents that I'm showing you and the  
2 questions that are being asked.

3 You said that this is a document that had been  
4 prepared by officials.

5 **A.** Yep.

6 **Q.** Had you seen this or seen what any plans were about how  
7 to support the economy as of 13 March 2020?

8 **A.** I could not tell you whether I saw it of 13 March 2020,  
9 but across the course of the pandemic I saw many  
10 iterations of this kind of scenario planning.

11 **Q.** Thank you.

12 If I can just take you to -- it's the handwritten  
13 notes of the Executive meeting as of 15 April.

14 So it's INQ000065735, and it's at page 16. And this  
15 is about ...

16 **(Pause)**

17 So if we can then go over the page, please.

18 So we can see there's a discussion about the  
19 regulations, and then there's "DFE", whenever we see  
20 those, then that's a reference --

21 **A.** Yes.

22 **Q.** -- to yourself, and that's to be distinguished from  
23 "DE", which is the education minister.

24 We can see that you've identified there the  
25 potential economic impact.

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1 you know, and he mentions me by name as saying,  
2 you know, a strong advocate for the economy. But those  
3 two, health and the economy, were not -- and this is his  
4 words, not mine -- a consistent tension within the  
5 Executive, and it didn't stop decisions being made and  
6 being reached, but it was important to have a rounded  
7 picture of what was happening to all sections of our  
8 society.

9 **Q.** And that's what I wanted to ask you about. If we can go  
10 to page 20, it's that you say at the second entry there:

11 "[Very] useful if [Department for the Economy]  
12 officials [could] be involved."

13 Then the CMO says:

14 "Economist in DOH -- reaching out to DFE  
15 officials ..."

16 Do you actually think that there was that cohesive  
17 relationship not just in terms of approach to the  
18 economic and public health maintenance, but actually  
19 a working relationship between the two departments, or  
20 was there a distance between the two?

21 **A.** The nature of government in Northern Ireland is that it  
22 is quite siloed. So ministers have legal responsibility  
23 within their own department, they are responsible for  
24 the operational issues in their department, and the  
25 central office of First and deputy First Minister, or

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1 If we can then just go over to page 18, and we have  
2 the opening line of the DoH, so that would be the health  
3 minister, is:

4 "Economic challenge my focus is health."

5 **A.** Yeah.

6 **Q.** Do you feel like there was a sufficiently effective  
7 working relationship between yourself and the health  
8 minister, or the Department for the Economy and the  
9 Department of Health, about responding to the pandemic,  
10 both as a public health and as an economic matter?

11 **A.** The pandemic was primarily a health challenge, and the  
12 focus of the Executive was always on the issue of how to  
13 save life and minimise the issues for families and so on  
14 in that. But the wider ramifications of the pandemic  
15 and the economic downturn that it caused, the challenge  
16 to families, to, you know, vulnerable workers, to people  
17 on zero-hours contracts, those were very, very real.  
18 And I suppose the challenge in all of this was to take  
19 the health advice but also try to look at the issue in  
20 a rounded way, by looking at all of the people who were  
21 impacted by the pandemic.

22 And I noticed in the health minister's submission  
23 where he talks about this in his evidence to  
24 the Inquiry, and he actually talks about this, and he  
25 says, you know, that -- you know, at times we --

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1 TEO, comes in, in that co-ordinating role, in bringing  
2 things together, or in cross-cutting issues.

3 So, for example, the strategy for -- against  
4 women -- women and girls against violence is held in TEO  
5 because it's a cross-cutting strategy that reaches  
6 across all of the departments in Northern Ireland. So  
7 there is always this kind of healthy tension around  
8 departments.

9 And I don't say that just in the case of the  
10 pandemic, I think that is the case across departments.

11 But I don't think that it stops departments working  
12 together, but sometimes officials can be quite -- and  
13 ministers -- precious about their own department.

14 **Q.** Well, that's what I was going to ask you, because the  
15 cross-cutting structures are intended to bring the  
16 ministers together, but does the individual  
17 responsibility of a minister's own department have the  
18 impact that when it's not a cross-cutting measure that  
19 it actually drives the departments slightly apart?

20 **A.** Except when those issues are deemed to be significant,  
21 cross-cutting are controversial.

22 **Q.** Yes, thank you.

23 We can see again the CMO there was talking about the  
24 economists. Should the Executive Committee have had  
25 access to expert advice, something akin to the CMO or

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1 the CSA, to advise as to the economic impact of measures  
 2 that were taken to respond to the pandemic?  
 3 **A.** Well, it's only the wider Executive could actually  
 4 really respond to that. But in terms of what we were  
 5 doing in the Department for the Economy, we had  
 6 a various number of stakeholder groups, and those  
 7 stakeholder groups comprised of people who were very  
 8 eminent in business and the economy in Northern Ireland,  
 9 so I had my economic advisory panel. That economic  
 10 advisory panel was chaired by the former head of  
 11 Ulster Bank in Northern Ireland, so they were very  
 12 significant people -- within the economy.  
 13 **Q.** But they weren't --  
 14 **A.** -- within the economy.  
 15 **Q.** -- in the Executive, though, they --  
 16 **A.** No, they weren't, but --  
 17 **Q.** -- providing the advice.  
 18 **A.** -- they were advising and inputting into the things that  
 19 we were doing, which were then going to the Executive.  
 20 **Q.** But do you think that it would have been beneficial,  
 21 either to yourself as the economy minister or to the  
 22 wider Executive, that there would have been those voices  
 23 in the Executive meeting or providing their own advice?  
 24 **A.** They may have been, and that might have been seen less  
 25 as a departmental issue and more as a cross-cutting

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1 a learning in this for the future, in that I do think  
 2 that the issues, for me, of young students with mental  
 3 health issues -- and even though we provided very, very  
 4 significant funds to universities, they were hard to  
 5 reach, and it was more difficult for universities to do  
 6 that. College students, we provided, you know, laptops.  
 7 We had all sorts of schemes to try to help them to learn  
 8 and work at home, but I think that taking away that  
 9 social environment and so on was very, very difficult  
 10 for young people.  
 11 And again, if I may say so, I think also the impact  
 12 of the pandemic in terms of the economy was very  
 13 unequal. So we have a large public sector in  
 14 Northern Ireland. That pretty much carried on --  
 15 **Q.** Can I just pause the public sector element, because you  
 16 were talking about colleges, you were talking about the  
 17 impact upon those attending colleges, there's one  
 18 document I'd like to take you to, because one of the  
 19 Department for the Economy's responsibilities is --  
 20 **A.** Further --  
 21 **Q.** -- further education. Thank you.  
 22 So just for reference, this is INQ000212403.  
 23 **LADY HALLETT:** Before you ask the question, I'm sorry to  
 24 interrupt, Mr Scott.  
 25 What did you say the learning was? That the people

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1 issue. But I am content that within my department that  
 2 we had significant recourse to very, very expert advice  
 3 in terms of the economy.  
 4 **Q.** Moving on to a slightly different element of the overall  
 5 response to the pandemic, and that is the consideration  
 6 of equalities.  
 7 Do you consider that sufficient consideration was  
 8 given to the potential impact upon those who would be  
 9 most disadvantaged by the response to the pandemic?  
 10 When I say that, sufficient consideration within the  
 11 planning conducted by your own department.  
 12 **A.** I think that we tried to respond to the pandemic with  
 13 very, very significant haste. So in the initial phase,  
 14 when we were -- it was confirmed, for example, that we  
 15 had significant funding, within -- and probably the  
 16 first regional devolved administration in the  
 17 United Kingdom, we had our 10,000 scheme out for local  
 18 businesses within the categories that that applied. So  
 19 we tried to respond very quickly.  
 20 Do I think that overall, either in my department --  
 21 well, in my department we looked, we produced schemes,  
 22 we tried to enact them, and where there were -- when we  
 23 reviewed those schemes, we reviewed them in light of our  
 24 section 75 obligations.  
 25 But I don't think, and I think that this -- there is

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1 you then talked about, the students with mental health  
 2 issues, that you should have paid greater -- the  
 3 Executive should have paid greater attention to them at  
 4 the beginning, you talked about there being a learning.  
 5 I'm sorry, I didn't quite follow the --  
 6 **A.** I think the learning is that we need to place more  
 7 emphasis on things that maybe -- we were so concerned  
 8 with the transmission of the virus that we also need to  
 9 place more emphasis on things that we may not have seen  
 10 as central to what we had to do to save lives.  
 11 **LADY HALLETT:** So place more emphasis on the wider impact?  
 12 **A.** Yes, yes.  
 13 **MR SCOTT:** And in order to do that, I think you probably  
 14 need to accurately recognise when there's likely to be  
 15 an impact upon groups; is that a fair suggestion?  
 16 **A.** Sorry, if you could repeat that.  
 17 **Q.** In order to be able to do that, you probably need to be  
 18 able to accurately recognise, as a department, when  
 19 there is an impact upon either a section 75 group or  
 20 somebody who doesn't fall within a section 75 group; is  
 21 that right?  
 22 **A.** Yes.  
 23 **Q.** So this policy that's on the screen, if we can just  
 24 scroll down a fraction just to show the date, so this is  
 25 26 February 2020, so it was the day that the department

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1 operating centre had opened, and this is about the power  
2 to close further education colleges and higher education  
3 institutions.

4 If we can go down to page 6, and it sets out the  
5 background and, as it's trying to achieve, it's:

6 "To prevent and control the outbreak of  
7 Covid-19 ..."

8 And if we can then go to page 7, please.

9 And again that confirms that's the Department for  
10 the Economy's policy.

11 I would just like to go down to page 12. Because  
12 you have a number of the section 75 groups, one of them  
13 is age, for example, and then we can see there that it's  
14 broken down by age.

15 Then if we just scroll to page 15, again, there's  
16 statistics set out about disability. You can see  
17 there's the impact on disability and not disabled.

18 So there's a lot of information there within this  
19 policy about what the make-up was of those who were  
20 students at a further education or higher education  
21 college.

22 If we can go to page, I think, 19 first, please, so  
23 we can see again there that the closure is potentially  
24 impacting across the entire student population?

25 A. Yes.

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1 A. Oh, right, okay.

2 Well, I am genuinely not sure, and -- why that was  
3 written in that way. I think anyone knows and  
4 understands -- and particularly in further education  
5 colleges, where we have a very significant group of very  
6 vulnerable young adults who go to further education  
7 colleges -- that closing those education colleges will  
8 have a significant impact.

9 Now, I do think -- and this was a very, very early  
10 draft of the document -- I do think that as the pandemic  
11 went on we realised and knew how difficult that this was  
12 for some of those young people, many of them with  
13 particular special educational needs and a range of  
14 difficulties. And it was also difficult for their  
15 parents, who had no respite and were afraid that those  
16 young people could go out with the virus.

17 So it's an early document, I'm not trying to excuse  
18 the writing of it at all in any shape or form, but I do  
19 think as time went on, I am desperately conscious of how  
20 the pandemic impacted those people.

21 Q. The purpose of my next question is actually about the  
22 development of the department's understanding --

23 A. Yes, yes.

24 Q. -- and identification.

25 Are you able to identify the development from within

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1 Q. And effectively it's the same wording apart from the  
2 last clause which is relating back.

3 If we can go to page 26, and we can see there,  
4 for example, "Disability", now, the right-hand column is  
5 the assessment of the department about the equality  
6 implications, all the equality implications for all  
7 these groups are marked as:

8 "None, as the impact would be the same across all  
9 [section] 75 groupings."

10 Is it right that the Department for the Economy can  
11 have recognised that there would be no equality impact  
12 upon any section 75 group from the closing of higher  
13 education colleges or further education colleges?

14 A. I don't think it's actually saying that. What I think  
15 it's actually saying is that the impact is the same as  
16 it would have been across all section 75. I mean -- and  
17 I'm not sure why it was written in that way. I think  
18 everyone understood --

19 Q. I don't want to be unfair, if I can show you the  
20 conclusion at page --

21 A. Okay.

22 Q. So:

23 "Given the decision to close or temporary redirect  
24 ... does not indicate any disproportionate impacts on  
25 any [section] 75 grouping."

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1 the department to access and understand those people who  
2 may be impacted upon the decisions that the department  
3 was taking or the decisions that the Executive was  
4 taking as a whole?

5 A. I am, inasmuch as we produced a very wide range of  
6 papers about the impact of Covid on various sections of  
7 our society. And when I talk about the impact of Covid  
8 on sections of our society, it is about the impact on  
9 young people who lose their jobs, young apprentices who  
10 are in maybe the second year of their apprenticeship who  
11 cannot continue. It is about the people on zero-hours  
12 contracts who find themselves unemployed and in very  
13 significant financial difficulties. And that is -- that  
14 is, I think, the impact of Covid in its widest sense.

15 In many ways, as I was saying, the impact of Covid  
16 on the economy was unequal. We had -- we have a very  
17 large public sector in Northern Ireland, which continued  
18 pretty much as it was, and we have some really hero --  
19 heroes within that public sector, nurses, doctors --

20 Q. Apologies, Mrs Dodds, if you could, please, focus on the  
21 question. I will be coming back to the impact upon the  
22 public sector.

23 The question was how the department improved its  
24 understanding of those -- like all those groups you  
25 identified who could be impacted, how it improved its

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1 understanding of the impact upon those groups as the  
 2 pandemic developed.

3 **A.** Right, so, for example, in terms of young people, young  
 4 apprentices, we developed our apprenticeship scheme, and  
 5 around £19 million went to an apprenticeship scheme to  
 6 try to bring and keep young people in the workplace.  
 7 Because many of those young people, one, their college,  
 8 with all the practical work that they were doing, was  
 9 closed, and their firms were maybe considering whether  
 10 they should make them unemployed or furlough them. And  
 11 those apprenticeship schemes that we developed and  
 12 rolled out from the summer of 2020 were really  
 13 significant in keeping skills, trades and young people  
 14 in jobs.

15 **Q.** I want to move now in terms of businesses generally, the  
 16 department came up with the Engagement Forum.

17 **A.** Yes.

18 **Q.** If you could just briefly set out the -- what the  
 19 purpose of setting up the Engagement Forum was.

20 **A.** The Engagement Forum arose out of difficulties within  
 21 industry around what was an essential industry, how to  
 22 keep workers safe. It also arose from, I think,  
 23 a little bit of mixed messaging that arose in the early  
 24 days of the pandemic at -- within the Executive.

25 The Engagement Forum was a really useful tool in  
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1 recovery through 2021?

2 **A.** I -- I -- well, would it have inputted into the economic  
 3 recovery plan or --

4 **Q.** Yes.

5 **A.** Yes. I am unsure whether he -- they were specifically  
 6 identified, but they would have sat on the wider  
 7 stakeholder groups. So the department has very, very  
 8 wide stakeholder groups where trade unions and,  
 9 you know, a very wide range of people are engaged in  
 10 bringing these things together, and the economic  
 11 recovery plan was not something that was dreamt of by  
 12 officials; it was designed and co-designed by people  
 13 within business and unions and so on.

14 **Q.** Yes. Moving on then to the creation of the coronavirus  
 15 regulations that were made on 28 March 2020, you didn't  
 16 have any input --

17 **A.** No.

18 **Q.** -- into the content of those regulations?  
 19 Do you think, as the Minister for the Economy of  
 20 Northern Ireland, that you should have had an input into  
 21 the content of them, given the impact that they would  
 22 have upon business in Northern Ireland?

23 **A.** On reflection, probably, but they were health  
 24 regulations, and the Department of Health owned the  
 25 regulations, and --

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1 bringing business, trade unions, health and safety, the  
 2 Public Health Agency, all of that very wide -- councils  
 3 who were -- environmental health people from councils,  
 4 all of those people who were engaged within the  
 5 workplace in trying to make sure that some of our  
 6 essential industry could continue but that they could --  
 7 we could be assured that workers were safe.

8 **Q.** How effective was the Engagement Forum at performing  
 9 those roles?

10 **A.** I think the Engagement Forum, it had, it was -- it had  
 11 a task, a single task, that was to produce the working  
 12 safely through the Covid pandemic document. It did  
 13 that. It did further work in 2020 in relation to  
 14 recovery and how we might look and have an inclusive  
 15 recovery. And those who were engaged in the forum found  
 16 it very, very useful. And in fact it's probably a forum  
 17 that is useful for any time, not just the pandemic.

18 **Q.** Could more use have been made of it, do you think?

19 **A.** Potentially.

20 **Q.** And when did it effectively cease to be producing any  
 21 output?

22 **A.** I think it continued to meet probably late into 2020.  
 23 Certainly, the forum was around, and I had contact with  
 24 the Labour Relations Agency throughout my tenure.

25 **Q.** Did it have any role, for example, in the economic  
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1 **Q.** But that was going to have an impact that was going to  
 2 go a lot wider than just health?

3 **A.** It was, yes.

4 **Q.** And --

5 **A.** And the -- they reflected the Coronavirus Act, and the  
 6 regulations were part of the Northern Ireland --

7 **Q.** Yes, but also going slightly further in your role as  
 8 a minister, you would also want to make sure that the  
 9 regulations would reflect the important aspects of  
 10 Northern Irish society, rather than simply aping what  
 11 had been done in England. Is that a fair assessment?

12 **A.** Well, the regulations were very tailored to Northern  
 13 Ireland in many, many ways --

14 **Q.** When they were initially made?

15 **A.** Oh, well, no, but as the regulations grew and developed  
 16 and were adapted, they were very tailored to  
 17 Northern Ireland, and you can see exhaustive  
 18 conversations about the regulations in the information  
 19 you have.

20 **Q.** But the focus is starting in a place which accurately  
 21 represents the importance of facets of Northern Irish  
 22 society rather than adopting them as time goes on?

23 **A.** The focus was on health. So the focus was on health,  
 24 and those then became a wider set of regulations which  
 25 were adapted many, many times, but they -- one  
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1 department has to own the regulations, and the  
 2 Department of Health was the owner of the regulations.  
 3 **Q.** As those regulations developed, so through April and  
 4 then into May 2020, did you ever get frustrated with  
 5 what you may have perceived was a lack of progress or  
 6 a lack of willingness to engage with expanding the  
 7 economic response rather than just the public health  
 8 response?  
 9 **A.** In the early part of the pandemic, we were all focused  
 10 on the health response. There -- I mean, I think I say  
 11 in my evidence that I think that the lockdown was  
 12 inevitable, that there was very little more that we  
 13 could actually do, and we -- there was a lot of work  
 14 done in the early part on mitigation. But we had to  
 15 expand our lives as we started to get the virus under  
 16 control, and I think that you will probably have  
 17 numerous documents and submissions from myself and the  
 18 department around how we might take steps in terms of  
 19 economic recovery.  
 20 **Q.** If we can just show one of those now, INQ000226537. And  
 21 this is a letter from yourself, Mrs Dodds, to the  
 22 First Minister and Deputy First Minister, dated  
 23 6 May 2020. And then I think that middle paragraph  
 24 probably encapsulates a large element of what you were  
 25 just saying and what you have been saying today? About  
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1 Did you feel that at that point in early to mid-May  
 2 2020 that the points you were trying to raise about the  
 3 importance of economic recovery were actually getting  
 4 through?  
 5 **A.** I think in May, most people in the Executive still  
 6 wanted to focus on the pandemic, but we were -- we were  
 7 managing our way through lockdown, but we couldn't keep  
 8 the restrictions in place forever, and we needed to lift  
 9 our eyes and look about how we would mitigate that  
 10 lockdown.  
 11 And I think I -- there is a paper that I sent to the  
 12 Executive around the first steps to economic recovery  
 13 and how we might consider taking ourselves out of  
 14 lockdown and the very, very incremental steps that would  
 15 be needed to try to do that. So I, you know --  
 16 **Q.** I'm going to try and take you to some of your wording at  
 17 the Executive Committee meetings which hopefully will  
 18 reflect some of these points, but before I do that, on  
 19 21 May 2020 at the Executive Committee meeting, you said  
 20 that you were disappointed economic recovery not on the  
 21 agenda. Were there times when you were trying to raise  
 22 a paper for the agenda or trying to have a topic  
 23 considered at the Executive but was actually then not  
 24 put on the agenda?  
 25 **A.** I think at that particular time, there was a very, very  
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1 the breadth of the impact and upon your --  
 2 **A.** Yes.  
 3 **Q.** -- approach?  
 4 **A.** I think that the pandemic -- I mean, first and foremost,  
 5 it impacted people who suffered from the virus and who  
 6 lost their lives.  
 7 **Q.** Because if we then go --  
 8 **A.** But it had a very wide, invasive impact on every part of  
 9 our society.  
 10 **Q.** Because if we go over to page 2, and then this is about  
 11 you pressing the economic case, which was your  
 12 responsibility as the minister for the Department for  
 13 the Economy; is that right?  
 14 **A.** I think it would seem almost incredible if the Minister  
 15 for the Economy was not speaking about the economy and  
 16 the impacts that the recession that we were currently  
 17 experiencing and the lockdown would have on the economy  
 18 and would have on people within the economy. It's not  
 19 just about businesses; it's about the people, and so on,  
 20 and those jobs and those families that are impacted.  
 21 **Q.** Because you followed up on this letter on 9 May, and  
 22 then you sent a further letter on 11 May in which you  
 23 say:  
 24 "Unfortunately it seems that most of my concerns  
 25 raised in the response [to this letter] still exist."  
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1 strong focus only on the pandemic and the health issues  
 2 of the pandemic, and it was more difficult to get  
 3 Executive Ministers to look at the rounded picture that  
 4 we needed them to look at. We now know that lockdown  
 5 has had really serious ramifications for health. We  
 6 have the longest waiting lists in Europe. It has had  
 7 really serious ramifications for Northern Ireland, and  
 8 considering the whole information was really important.  
 9 I followed up the paper in May with a strategy for  
 10 medium-term economic recovery, so I think we had from  
 11 the department lots of information to go on, but we  
 12 needed a wider conversation.  
 13 **Q.** In terms of that wider conversation, then, so, again,  
 14 just returning to a point I was asking you about earlier  
 15 on. How did you inform yourself as a department upon  
 16 the impact of the response to the pandemic upon  
 17 vulnerable people, so people, groups, such as the  
 18 disabled people?  
 19 **A.** The department -- I mean, as I say, we looked at how --  
 20 I mean, my department would have been concerned about  
 21 how we include disabled people within the further  
 22 education sphere, within the universities, higher  
 23 education. It would have been looking at the impact of  
 24 lockdown on the ability to engage in the workforce. But  
 25 of course the absolute truth of this in this situation  
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1 is that many people with disabilities who were shielding  
2 were at home, and it was an incredibly difficult period  
3 for those people.

4 **Q.** Yes, but, again, it doesn't quite answer the question  
5 about how the department was trying to inform itself so  
6 it understood the issues that were facing those groups.

7 Is it -- do you know what the department did, or is  
8 it just a bit too long ago to be able to provide the  
9 specificity of it?

10 **A.** I cannot recall the specifics of what the department  
11 did, but the out-workings of that are seen in some of  
12 the actions that we took and the plans that we put in  
13 place, and apprenticeships is a very good example of  
14 that.

15 **Q.** Thank you.

16 I want to move on now to social distancing  
17 reduction. So that occurred in June 2020. That was  
18 something that you had been pressing for at the 11 June  
19 and 15 June Executive Committee meetings; is that right?

20 **A.** Yeah.

21 **Q.** And, effectively, there was a consensus within the  
22 Executive. It wasn't just yourself or other members of  
23 your party who were seeking to advance this. There was  
24 other members of other parties.

25 **A.** Yes.

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1 **Q.** I'm not going to take you to your wording, but in those  
2 meetings, you were balancing the need for the economic  
3 recovery with the health concerns.

4 **A.** Yes, yes.

5 **Q.** And, again, it's right that you were receiving advice  
6 from the CMO and the CSA about the potential impact --

7 **A.** Yes.

8 **Q.** -- of the reductions, but they weren't at that time  
9 saying that it shouldn't be done.

10 **A.** No, that's right. That's right.

11 **Q.** Around the same time, there was a decision taken to  
12 bring in indicative dates about when the easing of  
13 restrictions which had been outlined in the Executive  
14 approach to decision-making from 12 May 2020.

15 **A.** Yes.

16 **Q.** It was around that time that the indicative discussion  
17 took place.

18 **A.** Yes. So it was -- the idea was to try to have  
19 an incremental approach to easing restrictions. I don't  
20 think anyone in the Executive wanted in any shape or  
21 form to go back, but we knew, and I don't think we could  
22 have had compliance if we hadn't made some efforts in  
23 order to try to ease life for people in  
24 Northern Ireland.

25 **Q.** Did in the end, though, adding indicative dates become

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1 **Q.** Is that right?

2 Then on 23 June, the Prime Minister announced that  
3 social distancing guidance in England would be reduced  
4 to 1 metre --

5 **A.** Yes.

6 **Q.** -- and was that then a spark which then led on 25 June  
7 to the decision being taken to actually reduce from  
8 2 metres to 1 metre?

9 **A.** So there were a number of issues in relation to social  
10 distancing. So if -- social distancing at 2 metres for  
11 many businesses would have made them unviable, so they  
12 simply couldn't have opened.

13 **Q.** Yes.

14 **A.** It wouldn't have been possible because there just simply  
15 wasn't enough room to do that and the number of tables  
16 that you could get in. I remember long discussions and  
17 discussed this with Sir Michael McBride, the CMO, on  
18 a number of occasions, and we came to the conclusion  
19 that, you know, this was a decision for the Executive.  
20 And, as I say, there was a range of Executive ministers  
21 who wanted to do this in order to try to get us back on  
22 some kind of even keel but that it could only be done  
23 with other mitigations in place, and I think shortly  
24 thereafter, the face masks were introduced in businesses  
25 and public life and so on.

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1 problematic because it provided a focus point for  
2 businesses and other sectors to say, well, that's the  
3 date that we're working towards, and then if in the  
4 event that those dates couldn't be met, it almost became  
5 worse than if no date had been given in the first place?

6 **A.** So this is a complex issue. So the paper was issued  
7 with no dates, and that was a big problem for business,  
8 so we then decided to say that on such and such a date  
9 in June or July, we will do whatever if the R rate and  
10 the transmission of the virus allows us to do that. It  
11 perhaps maybe built us up to expectations, but I think  
12 it was one of those issues where business didn't want  
13 and the society in general didn't want, and I don't  
14 know -- I remember and I recall very clearly the  
15 campaign to open holiday parks to allow people to go to  
16 mobile homes and caravans and so on. So we had to -- we  
17 had to give people some sense of when things were going  
18 to happen, but always with the caveat that it was  
19 important that we were in the right place in terms of R.

20 **Q.** On reflection, with the way that indicative dates were  
21 handled, would you do anything differently if it was to  
22 happen again?

23 **A.** That -- I genuinely can't answer that. I think we did  
24 what we could at the time, and I think that hindsight,  
25 as they say, is a wonderful thing, and we -- but I don't

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1 think that we could have done radically different  
2 things. I think we tried to manage expectations about  
3 re-opening, but we also tried to manage the safety and  
4 health and wellbeing of people.

5 **Q.** Moving then on to your view of the impact of the  
6 Bobby Storey funeral. Again, just to be clear, I'm not  
7 going to ask you for your view on the merits of what  
8 happened on that day. I'm interested in your view on  
9 what the impact was on the response to the pandemic.

10 You say in your statement -- if we can have  
11 INQ000436924, page 15, paragraph 57.

12 My note has gone wrong. It runs from page 56,  
13 paragraph 56 into 57, but what you say is:

14 "It's my personal view that the single biggest issue  
15 and topic of conversation in relation to compliance ..."

16 It's the top of paragraph 56. I'm very grateful.

17 **A.** Yes.

18 **Q.** "... in relation to compliance and the spread of the  
19 virus during the summer of 2020 was the burial of  
20 Bobby Storey."

21 If we do go back to page -- to paragraph 56, I'll  
22 provide the right instructions in a minute. If we could  
23 go back to paragraph 57, apologies.

24 **LADY HALLETT:** It happens to us all, Mr Scott.

25 **MR SCOTT:** Then:

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1 Mr Storey, where we had thousands of people on the  
2 streets. Where we had, I don't know, a memorial --  
3 I don't know what really is the proper phrase for it --  
4 at Milltown Cemetery, and where on the same day that  
5 other families had to bury their loved ones, the Storey  
6 family were allowed into the crematorium but others  
7 weren't.

8 So I think in that, and in that act and in attending  
9 that, that there was almost the signal that "you can do  
10 as I say but not as I do". And I think that that -- and  
11 I don't have scientific data for it, so I'm going to  
12 pre-empt that part of your question. I don't have  
13 scientific data for it, but I do think it was very, very  
14 significant.

15 And I haven't seen the newly found minutes of the  
16 Executive meeting after the Bobby Storey funeral, but  
17 I remember it, where many of the ministers, not just  
18 from my party but across the Executive, were really --  
19 thought that the communication tool that we had used  
20 very effectively in Northern Ireland was incredibly  
21 damaged by what had happened and that there was almost  
22 kind of like a ... an entitlement that I could do this  
23 but other families couldn't.

24 **Q.** You've answered the scientific advice point. So in  
25 terms of the relationship with the -- between the

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1 "Another, though less significant factor in my view  
2 is that the 'Eat Out to Help Out' scheme was also  
3 introduced in summer 2020."

4 Dealing with one point about Eat Out to Help Out;  
5 you weren't consulted?

6 **A.** No.

7 **Q.** What are you basing your assessment that the biggest  
8 issue about compliance and the words "the spread of the  
9 virus" was the Bobby Storey funeral as opposed to any  
10 other factor?

11 **A.** So I think we have to take ourselves back just ever so  
12 slightly. In the months before the funeral, the  
13 First Minister and Deputy First Minister had spent very,  
14 very significant periods of time giving daily press  
15 conferences, telling people that they could do this, or  
16 they couldn't do that, or they couldn't do the other,  
17 and they had spent -- and those press conferences in our  
18 community in Northern Ireland were very well listened  
19 to, attended, you know.

20 They were very -- I think they were an effective  
21 communication tool in that sense, and it was  
22 an effective way that these two leaders could do this.  
23 And in those press conferences, we asked people to do  
24 really difficult things, and it's -- so it's important  
25 to remember that. And then we had the funeral of

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1 Executive members, in and around late June 2020, had  
2 there been discussions amongst the Executive about  
3 issues such as numbers at funerals --

4 **A.** Yes, there --

5 **Q.** -- and numbers of gatherings.

6 **A.** Yes.

7 **Q.** And at any point had it been raised with any of the  
8 Executive Committee members that an issue such as --  
9 scenes such as were seen at Mr Storey's funeral may  
10 happen?

11 **A.** No.

12 **Q.** Did those circumstances have --

13 **A.** I actually -- sorry, can I just say, on the day of the  
14 funeral, I actually had meetings all day. I didn't  
15 actually see it, but I saw it later on the news.  
16 I didn't see it.

17 **Q.** Did the circumstances about what you've been discussing  
18 in the run-up to Mr Storey's funeral in the context of  
19 what then happened, did that have any impact upon the  
20 ability of the Executive to work together and the  
21 relations between the individual ministers?

22 **A.** Oh, I -- I think it damaged relations. I cannot say  
23 that it didn't damage relations. I think it did. But  
24 what I -- and I think it's really important to stress  
25 this, but even though -- I suppose, I'm not quite sure

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1 how to express it, but people felt let down by what had  
2 happened. People felt annoyed. This is just Executive  
3 ministers, not real people out in our community, so  
4 that -- it was really difficult then to stand at another  
5 press conference and actually say "we are going to allow  
6 you to do this" when all of this had taken place just  
7 a few days before it.

8 So I think that there was real anger. I think  
9 Executive ministers from across different parties  
10 expressed the view that we were severely damaged by this  
11 particular event, and I think as well that maybe the  
12 lack of remorse in the immediate aftermath of the  
13 funeral for having done this was really important. And  
14 if you contrast that with --

15 **Q.** Apologies, Ms Dodds, but --

16 **A.** Sorry.

17 **Q.** -- if I could just take you slightly forward. Unless  
18 there is anything particularly that you really want to  
19 say at that point, if I could just ask to address the  
20 increase in rates in autumn 2020 and your actions --

21 **A.** Yes.

22 **Q.** -- in autumn 2020.

23 At any point in autumn 2020, do you consider that  
24 you went against the scientific advice that you had been  
25 provided by the CMO and the CSA, and if so, would you

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1 forward the view of those people who were deeply  
2 impacted by the pandemic.

3 **Q.** But in terms of the slightly on again, off again  
4 restrictions that came in, in October through to  
5 December, do you not consider that at any point you  
6 actually did go against the advice by the CMO or the CSA  
7 by not accepting their recommendation or the  
8 restrictions that should have been applied at that time  
9 in order to provide what they considered to be the most  
10 effective response?

11 **A.** Well, the CMO and the CSA have always given advice to  
12 the Executive. They gave that advice in the knowledge  
13 that the Executive would then have to apply all of the  
14 other issues that it had to balance in relation to that.

15 The autumn of 2020 was an exceptionally difficult  
16 time. I've described some of the economic issues, but  
17 there were huge issues for the transmission of the  
18 virus. There were huge issues for families who lost  
19 loved ones, and that will stay with all of us forever.  
20 So it's important that when we are considering really  
21 impactful decisions that we look at those decisions in  
22 the round.

23 I don't think that I went against advice, but  
24 I asked them to consider advice. I -- at one stage,  
25 I had a meeting with the CMO and CSA and the health

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1 please say when that was?

2 **A.** What I asked for in the autumn of 2020 was, as I have  
3 stressed all along, and I note that the Chief Scientific  
4 Officer said, I saw it as my duty to represent those  
5 people that my department engaged with, those people in  
6 the economy -- workers, women, young people, people who  
7 were really severely impacted by the series of  
8 lockdowns. I hugely respected the advice, but I think  
9 I tested and questioned that advice, and I think that  
10 that is the right thing to do for a minister in the  
11 Executive, and I think that that is important.

12 **Q.** But you do say in your statement:

13 "I'm not a scientist, but I have been in politics  
14 for a very long time and am accustomed to asking  
15 questions and scrutinising information."

16 You may test advice, but if there's no contrary  
17 advice, on what basis would you go against it when it's  
18 talking about a matter such as public health  
19 transmission rates?

20 **A.** I don't think that I particularly went against the main  
21 thrust of the public health advice over the course of  
22 the pandemic at any time. Personally, I was very  
23 careful not to go against the thrust of that advice.  
24 I did question, I did test that advice, and there were  
25 times when that was the right thing to do, and I did put

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1 minister on regular occasions to see if there are other  
2 things that we could do that would help us to keep  
3 business open but to do it safely so that people would  
4 be safe, both those who work in it and those who would  
5 come in.

6 **Q.** If I can test you with one point further from your own  
7 statement. You say:

8 "In March 2020, I believe the only approach  
9 available to decision-makers was to follow the science,  
10 by which I mean taking decisions based on the  
11 recommendations being provided by DoH, the CMO and CSA,  
12 which was in turn based on the best-available data and  
13 modelling then being produced."

14 Did you change from that approach?

15 **A.** No, I didn't, but I think what did change and what -- as  
16 we grew accustomed to the information and the science  
17 and the wider context of where we were, I think that we  
18 were able to question that more -- more robustly than we  
19 may have done in March.

20 In March, I'm of the view that we could not have  
21 done anything differently.

22 **Q.** I'm going to move on to the ECT that came in on  
23 1 December, the Executive Covid Taskforce.

24 Now, I don't know whether you've had the opportunity  
25 to see or hear any of the evidence that was provided by

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1 Jenny Pyper, the interim head of the Civil Service at  
 2 the time?  
 3 **A.** No.  
 4 **Q.** The evidence of Ms Pyper was that -- from the transcript  
 5 that -- so you haven't heard it before -- that:  
 6 "... there was push-back, particularly from two  
 7 ministers, from the minister of health and the minister  
 8 for the economy, not an absolute push-back but concerns  
 9 were raised about how the taskforce would operate."  
 10 And then:  
 11 "I think the economy minister remained throughout my  
 12 time impatient with the pace of the lifting of  
 13 restrictions as they applied to the business community  
 14 particularly as we got beyond Easter, and a very strong  
 15 call came from the hospitality and tourism sectors."  
 16 Would you agree with that, or would you take  
 17 a different view about whether you had any push-back to  
 18 the creation of the ECT?  
 19 **A.** I didn't have any push-back to the creation of it.  
 20 I had a push back, as did the Minister of Health, about  
 21 the system that was being set up. So I generally viewed  
 22 the taskforce as being a fairly process driven  
 23 organisation so that civil servants tend to see  
 24 everything through the lens of process. So if  
 25 I describe how the taskforce would have worked in  
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1 view.  
 2 **A.** Well, I could have, but I wouldn't have thought that  
 3 there was a huge degree of success around that, and ...  
 4 I think it was a difficult format.  
 5 I often think that we could have had a more flexible  
 6 approach, but I don't think that that is the nature of  
 7 the Civil Service in Northern Ireland.  
 8 **Q.** Well, I believe -- I haven't got the reference to hand,  
 9 but I believe you say in your statement that you were  
 10 actually looking for a structured approach --  
 11 **A.** Yes.  
 12 **Q.** -- to easing restrictions. But you're suggesting that  
 13 wasn't the structured approach that you were looking  
 14 for?  
 15 **A.** It wasn't a structured approach that I thought was  
 16 flexible and transparent.  
 17 **Q.** Okay.  
 18 The last topic is in relation to public statements  
 19 that you made. So there was -- on or around  
 20 21 September, there was a public statement that had been  
 21 made by you to the effect that you'd warned that  
 22 Northern Ireland simply couldn't afford another  
 23 lockdown.  
 24 **A.** Yeah.  
 25 **Q.** Do you remember that? And at that time, that contrasted  
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1 relation to the --  
 2 **Q.** I don't want to cover evidence that we've already heard  
 3 because --  
 4 **A.** No. No, this is entirely -- so I would have sent up  
 5 information to the taskforce about potentially looking  
 6 at the re-opening of whatever. The taskforce then would  
 7 have gone through a process of sifting and talking and  
 8 bringing further information back to that, and then  
 9 I would have heard from civil servants that this could  
 10 not happen. I think it made ministers at one remove  
 11 from what was the decisions over which they had legal  
 12 responsibility as well.  
 13 **Q.** But then again, the ECT wasn't taking decisions, was it?  
 14 It was providing its view as a structured approach to  
 15 consider in the easing of restrictions.  
 16 **A.** Yes.  
 17 **Q.** And it was then upon the ministers to decide whether  
 18 they would agree with that suggestion or not.  
 19 **A.** It was, but I think by the time it had gone through that  
 20 process, it was pretty much a foregone conclusion. It  
 21 was slow, cumbersome and process driven, and I am firmly  
 22 of that view.  
 23 **Q.** But it was definitely something that you could have  
 24 pushed back against the advice that you were receiving  
 25 from the ECT and challenged it and taken a different  
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1 with what the health minister had announced, that  
 2 a circuit-breaker couldn't be taken off the table.  
 3 **A.** Yep.  
 4 **Q.** Was it effective, in terms of the way that the  
 5 population of Northern Ireland would receive ministers  
 6 in public providing competing views, was that  
 7 an effective way to convey the message to the population  
 8 of Northern Ireland, or do you think that was just going  
 9 to be confusing?  
 10 **A.** I don't see these statements in opposition to each  
 11 other, in actual fact. I'm speaking as the Minister for  
 12 the Economy, the minister responsible for people who may  
 13 lose their jobs, for businesses who may have to lay off  
 14 more workers because of the reduction in furlough, for  
 15 an Executive that actually wasn't really sure at that  
 16 stage, in September, where the funding would come from.  
 17 And as I mentioned, the 3.3 billion of 3.9 billion that  
 18 came from central government for direct action on the  
 19 virus in Northern Ireland was as a matter of Barnett  
 20 consequentials. And I think better planning would have  
 21 helped us all in relation to that. You know, better  
 22 planning in relation to when we knew finance was going  
 23 to be made available and how that -- we could then  
 24 direct that into action.  
 25 But in September 2020, businesses were allowed to  
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1 recover 70% on furlough --

2 **Q.** Can I just bring you back --

3 **A.** -- and only 60 on -- in October.

4 **Q.** If I can just bring you back to the point about public

5 statements from two different ministers which may be

6 providing two different perspectives, in this case the

7 health perspective and the economy perspective.

8 **A.** Yeah.

9 **Q.** You may not have intended it or thought it was

10 confusing. Would you accept that the population may

11 have considered it confusing for these public statements

12 to be made as opposed to these matters to have been

13 dealt with entirely in the Executive Committee itself?

14 **A.** That may be a point, but I'm very clear that those

15 people whose jobs depended on what we could do and what

16 mitigations we could provide needed to know how we could

17 move forward.

18 So if we were going into a circuit-breaker, and

19 I didn't -- that was what we did, then we needed to know

20 how we could support people and how we could support

21 businesses and how we could sustain it. Because in the

22 long run, as we emerged from Covid, it was really

23 important that we knew how we were going to be able to

24 do all of that, and that we would have the level of

25 skill and businesses retained within the economy to

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1 **MS DEIRDRE HARGEY (affirmed)**

2 **MS CARÁL NÍ CHUILÍN (sworn)**

3 **Questions from COUNSEL TO THE INQUIRY**

4 **LADY HALLETT:** I hope we haven't kept you hanging around for

5 too long.

6 **THE WITNESS:** No, you're okay.

7 **MS TREANOR:** Good afternoon, both of you, and thank you both

8 for attending this afternoon and for your assistance to

9 the Inquiry.

10 As you give your evidence, could I remind you just

11 to keep your voices up and to try and speak into the

12 microphone, and if we could all do our best not to talk

13 over each other as well for the benefit of the

14 stenographer.

15 Now, you have each provided Module 2C with a witness

16 statement. Ms Hargey, your statement is at

17 INQ000446235, and if we turn to page 51, you signed that

18 statement on 12 March 2024.

19 **MS HARGEY:** I did.

20 **MS TREANOR:** Are the contents of that statement true to the

21 best of your knowledge and belief?

22 **MS HARGEY:** It is.

23 **MS TREANOR:** Ms Ní Chuilín, your statement is at

24 INQ000436131, and turning to page 45, please. You

25 signed that statement on 12 March 24.

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1 provide prosperity. And I do believe that a prosperous

2 Northern Ireland is actually a stable Northern Ireland.

3 **Q.** But don't they need to hear that from the government

4 that's taken the decision about what's to happen as

5 opposed to what a minister would like to happen but

6 which might not actually end up being the decision of

7 the Executive Committee?

8 **A.** People will have different views on it.

9 **MR SCOTT:** I have no further questions, my Lady.

10 **LADY HALLETT:** Thank you very much indeed for your help,

11 Mrs Dodds. I'm very grateful.

12 **THE WITNESS:** Thank you.

13 **LADY HALLETT:** I don't think I shall be asking you to come

14 again, but I'm really grateful for the help you've given

15 so far.

16 **THE WITNESS:** Thank you.

17 **(The witness withdrew)**

18 **LADY HALLETT:** Very well. I shall return at 3.15.

19 **(3.00 pm)**

20 **(A short break)**

21 **(3.15 pm)**

22 **LADY HALLETT:** Ms Treanor.

23 **MS TREANOR:** Good afternoon, my Lady.

24 May I please call Deirdre Hargey and

25 Carál Ní Chuilín.

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1 **MS NÍ CHUILÍN:** I did.

2 **MS TREANOR:** And are the contents of your statement true to

3 the best of your knowledge and belief?

4 **MS NÍ CHUILÍN:** They are.

5 **MS TREANOR:** Thank you.

6 You're both here this afternoon because you both

7 held the position of communities minister at different

8 points during the pandemic, and in terms of how

9 I propose approach your evidence today, I plan to take

10 the issues chronologically. So Ms Hargey, I'll begin

11 with you, and once I've concluded your evidence, Ms Ní

12 Chuilín, I'll turn to you.

13 **MS NÍ CHUILÍN:** Okay.

14 **MS TREANOR:** I'd like to just start at the outset with your

15 political careers by way of introduction.

16 Ms Hargey, immediately prior to the pandemic, you

17 spent just over nine years as a councillor for Belfast

18 City Council, and for a year of that period, you were

19 the mayor of Belfast.

20 **MS HARGEY:** That's right. From December 2010, I was

21 co-opted on to the council, until then January 2020, and

22 I was the mayor between the period of June 2018 to

23 June 2019.

24 **MS TREANOR:** And then in January 2020, you were then elected

25 to the Northern Ireland Assembly for the first time.

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1 **MS HARGEY:** I was co-opted. I was elected then in the  
 2 following election but co-opted in January and then  
 3 became, yes, minister for the Department for  
 4 Communities.

5 **MS TREANOR:** And that happened pretty much straight away --

6 **MS HARGEY:** Within -- less than a week, yes.

7 **MS TREANOR:** And so, just at the time of the beginning of  
 8 the pandemic, becoming a global health emergency, you  
 9 were simultaneously getting to grips with a level of  
 10 responsibility you perhaps hadn't previously  
 11 experienced; is that fair?

12 **MS HARGEY:** Yeah, I think we came into the department  
 13 obviously with an absence with the Executive not running  
 14 for the previous few years. There were huge portfolios,  
 15 certainly within the department of communities, and  
 16 I suppose coming from the *New Decade, New Approach*  
 17 agreement, there was also expectations in terms of  
 18 a programme of work that we would have to deliver. One  
 19 of the big areas were welfare, social security  
 20 mitigations which was a priority in an incoming new  
 21 Executive.

22 **MS TREANOR:** Thank you, and we'll come to touch on the work  
 23 of your department in just a moment, but in your  
 24 statement, you explain that Ms Ní Chuilín stepped in  
 25 temporarily to replace you on 15 June until 16 December

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1 office on 16 December and remained in the office until  
 2 the conclusion of the period with which Module 2C is  
 3 concerned.

4 **MS HARGEY:** Yes, that was correct.

5 **MS TREANOR:** Now, just picking up with the role of the  
 6 Department for Communities and areas that you just  
 7 touched on a moment ago, the department has strategic  
 8 responsibility for quite a broad range of areas, and  
 9 through its strategic policy and professional services  
 10 group, the department leads on a number of social  
 11 inclusion policy areas, and to name some of those,  
 12 poverty, gender equality, LGBTQ+ policy, active ageing,  
 13 and disability; is that --

14 **MS HARGEY:** Yes, these were set out in the *New Decade, New*  
 15 *Approach* agreement which seen the restoration of the  
 16 Assembly in 2020, and I had policy lead responsibility  
 17 to develop those new strategies which hadn't been there  
 18 before.

19 **MS TREANOR:** In your statement, you characterise the  
 20 department's overall aim as tackling disadvantage and  
 21 building sustainable communities. Presumably, the  
 22 department's efforts in tackling disadvantage are  
 23 primarily directed towards those groups that I've just  
 24 mentioned; is that correct?

25 **MS HARGEY:** Yes, they would be, and also with the addition

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1 2020 because you were on a leave of absence due to  
 2 illness; is that --

3 **MS HARGEY:** Yes, I took ill health in June and had to have  
 4 open surgery, and returned to duties then in December .

5 **MS TREANOR:** Ms Ní Chuilín, you have been an MLA since 2007,  
 6 and you were recently appointed as Principal Deputy  
 7 Speaker --

8 **MS NÍ CHUILÍN:** That's correct.

9 **MS TREANOR:** You explain in your statement that you have  
 10 previous ministerial experience, having held what was  
 11 then the office of Minister of Culture, Arts and  
 12 Leisure --

13 **MS NÍ CHUILÍN:** That's correct.

14 **MS TREANOR:** -- between 2011 and 2016.

15 **MS NÍ CHUILÍN:** Yes.

16 **MS TREANOR:** And you also explain that from January 2020  
 17 until June 2020, you sat on the committee for  
 18 communities.

19 **MS NÍ CHUILÍN:** That's correct.

20 **MS TREANOR:** Is that right? And therefore you would have  
 21 been familiar, you say, with the work of Ms Hargey's  
 22 department throughout the early stage of the pandemic.

23 **MS NÍ CHUILÍN:** That's correct, yes.

24 **MS TREANOR:** Ms Hargey, just to complete the chronology  
 25 before we get into your evidence, you then returned to

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1 of class, which often isn't picked up in section 75  
 2 groups in terms of social class and the impact of  
 3 deprivation on those communities.

4 **MS TREANOR:** Thank you.

5 I'd like to turn now to look at your department's  
 6 response in the early stages of the pandemic. And in  
 7 your statement you explain that in the earlier part of  
 8 2020, whilst the Northern Ireland central crisis  
 9 management arrangements, which I'll refer to as NICCMA  
 10 for short, whilst those arrangements hadn't been  
 11 activated, you say that a cross-departmental approach  
 12 had nevertheless commenced and that your department had  
 13 commenced preparatory work; is that correct?

14 **MS HARGEY:** Yes. Well, there would have been -- in terms of  
 15 obviously early indications of Covid, there would have  
 16 been discussions at the Executive in January, end of  
 17 February that would have been under "any other business"  
 18 as part of that Executive meeting. And then obviously  
 19 as we stepped into the March period then, that was put  
 20 as a standalone item on the Executive. And I know  
 21 behind the scenes, there were obviously mechanisms being  
 22 put in place across the Civil Service to ensure that  
 23 departments were talking to each other but also within  
 24 each of their departments that we were making plans in  
 25 terms of mitigating and responding to, I suppose, the

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1 unknowns in some regards of what was going to lie ahead  
2 of us.

3 **MS TREANOR:** In terms of the preparatory work that had  
4 happened within the Department for Communities in that  
5 early stage between January and March, what did that  
6 look like in practice?

7 **MS HARGEY:** Well, I think initially it would have been going  
8 into probably more of the February into the March period  
9 where there would have been engagements with I suppose  
10 the permanent secretary within the department, also with  
11 the senior management team within the department as  
12 well, by way of making sure that we were ready.

13 I think the first big issue was to ensure obviously  
14 staff -- and as the issue of self-isolating started to  
15 come as a feature in late February going into early  
16 March, we obviously had to ensure that our essential  
17 services, such as paying social security benefits and  
18 all of that, that those services could continue  
19 unhindered, because obviously they would impact on some  
20 of the other vulnerable groupings within our society  
21 and, there was a focus to ensure that within our staff  
22 teams within the department that we did have  
23 arrangements in place to ensure that benefits could be  
24 paid but also to ensure that we give flexibility.  
25 For example I know we moved early in March to make plans

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1 I reported to the Executive at that meeting that my own  
2 department were working on plans and contingencies by  
3 way of looking at Covid. I have also set out in my  
4 statement on 10 March that I was preparing a public  
5 statement, in terms of how we would support key sectors  
6 within the department, and particularly those that we  
7 would work with to respond to the pandemic as it started  
8 to fold.

9 Also within my statement, it sets out a number of  
10 actions that were taken around the emergence of the  
11 Covid Community Helpline later in March and also the  
12 emergency leadership group. That would have took  
13 a couple of weeks of planning to put resources in place.  
14 They took place in the third week of March, so we would  
15 have been planning at the start of March, late February,  
16 for that to happen. So I am disappointed at that text  
17 message. I don't think it reflects in terms of where we  
18 were or indeed the conversations that I had with  
19 Tracy Meharg as my permanent secretary.

20 My focus from early on when we were aware that there  
21 could have been a pandemic was: how will this impact on  
22 sections of our population? I knew that obviously we  
23 were coming out of a three-year period of no Assembly.  
24 I could see the devastating impact that a decade of  
25 austerity had had, particularly on certain sections of

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1 for the community and voluntary sector in particular,  
2 that we would give flexibility in any of the funding  
3 that the department had without said organisations and  
4 bodies, that we would allow flexibility in those funding  
5 arrangements to allow them to respond to the pandemic.

6 **MS TREANOR:** Okay, and we'll come on in just a moment to  
7 look at some of the more specific measures that you've  
8 touched on.

9 But sticking with this early point in the pandemic,  
10 in a text message to Chris Stewart on 11 March 2020, and  
11 I don't think I need to bring it up, Sir David Sterling,  
12 who was the head of the Civil Service, said:

13 "I spoke to Tracy earlier. She's briefing her  
14 minister (who has shown no interest in Covid up to now)  
15 tomorrow."

16 Now, the permanent secretary to your department was  
17 Tracy Meharg, and this would therefore appear to be  
18 a reference to you, Ms Hargey. Is that a fair  
19 characterisation of your attitude towards Covid-19 up to  
20 that point?

21 **MS HARGEY:** Well, that certainly is not my reflection of  
22 what happened, and indeed I'm disappointed to have seen  
23 the text message and the contents that are contained  
24 within it, because if you look at the Executive meeting  
25 the day before that message was sent on 10 March,

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1 our community, and even on the back of the financial  
2 crash in 2008 as well. And what I talked about, even  
3 within my statement, that when you get societal shocks  
4 like that, it impacts on certain sections of our  
5 population more than others, and a global pandemic would  
6 be no different in that regard.

7 **LADY HALLETT:** Can I ask you to speak more slowly?

8 **MS HARGEY:** Oh, sorry.

9 **LADY HALLETT:** No, I've got the same failing, so I do  
10 understand it's very difficult to change your speech  
11 patterns, but if you just -- otherwise the stenographer  
12 will have my --

13 **MS HARGEY:** Apologies.

14 **MS TREANOR:** I'll try to remember to do the same, my Lady.

15 Ms Hargey, perhaps if we could bring up on screen a  
16 document that perhaps demonstrates some of the planning  
17 that you had been doing at that early stage. Thank you.  
18 This is, just for the record, INQ000086935.

19 Now, this is an extract from a non-health sectoral  
20 resilience return, and we can see that it's dated  
21 13 March 2020. Now, this is one section relating to  
22 your department which is taken from a wider return which  
23 contains returns from each department.

24 If we just look -- if we could perhaps scroll on to  
25 the next page. So the return from the Department of

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1 Communities spans two pages, and we can see that three  
2 key areas of concern are listed for your department, and  
3 those are welfare and financial services to the public,  
4 the advice sector, and social housing.

5 We can see that there is some passing reference,  
6 for example, to vulnerable citizens being  
7 disproportionately impacted, but it doesn't necessarily  
8 tell us who they are or what those impacts might be.  
9 The RAG rating column isn't completed, and really it  
10 doesn't tell us very much.

11 And I wanted to ask you: does this return adequately  
12 capture the key areas of concern for your department at  
13 that time?

14 **MS HARGEY:** It wouldn't, in terms of the scope of the  
15 department, and also in terms of, I suppose, the  
16 conversations we were having around the potential  
17 impacts. Particularly as you were moving into the March  
18 period, you were looking at the potential of lockdowns  
19 or closures of schools and events, for example. And  
20 I know again, even on the Executive meeting, I think it  
21 was on 10 March, I highlighted issues around even  
22 childcare provision, again, looking at the voluntary and  
23 community sector, looking at communications and  
24 messaging. And I know certainly in the work that we  
25 were doing, it broadened beyond those three key areas.

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1 core strategic responsibility for the Department of  
2 Communities.

3 **MS HARGEY:** I don't know why that specific -- I mean,  
4 I wouldn't have been responsible for giving that return,  
5 but certainly what I can say is that the conversations,  
6 the work programmes that we were looking at went well  
7 beyond that. And, again, that was one of the reasons  
8 why I established the emergency leadership group on  
9 20 March which included representation from some of  
10 those key sectors to ensure that whatever interventions  
11 we were designing, that we were doing that in  
12 partnership with the organisations and those impacted on  
13 the ground. So I don't know why the return doesn't  
14 reflect all of that work. And, as I say, even at that  
15 point, there was planning with the advice sector,  
16 for example, to establish the Covid Community Helpline  
17 which launched on 27 March, so planning for that would  
18 have been before 13 March. And one of the key reasons  
19 we set the helpline up was for those vulnerable  
20 categories, those who would have been shielding, was to  
21 ensure that they did have a point of contact in which we  
22 could give advice and information and importantly  
23 signpost people to support.

24 So I don't know why it wasn't reflected in that  
25 return. I think we probably could have filled hundreds

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1 I mean, obviously in terms of the advice sector, the  
2 paying of social security benefits was vital that we  
3 continued those services that we had. The staff teams  
4 housing was also a critical area, particularly those  
5 that were homeless, and vulnerabilities around the  
6 spread of a virus, they were critical.

7 But I know also quickly on 23 March, for example, we  
8 had worked with the Community Foundation for  
9 Northern Ireland in launching a community fund, and part  
10 of the criteria and area of that fund was to work with  
11 older people, and that was a reflection I suppose that  
12 the older age group, those with disabilities, young  
13 people, working-class communities and minority ethnic  
14 communities would be more susceptible or vulnerable.  
15 That's why we did in the early days --

16 **MS TREANOR:** I'm sorry to interrupt you, but we will come to  
17 look at those. I would just like to focus on this  
18 return just for now --

19 **MS HARGEY:** Okay.

20 **MS TREANOR:** -- in terms of capturing what your department  
21 was doing at this time.

22 I wanted to ask you why, in the context of what had  
23 by then been declared a global pandemic, is there no  
24 specific mention of tackling disadvantage as a key area  
25 of concern, and we know that that is a particular aim or

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1 of pages of a return, in terms of some of the work that  
2 the department could be doing, but I can't answer why  
3 that wasn't sent back in. I don't know.

4 **MS TREANOR:** Okay.

5 I'd like to just explore with you your knowledge of  
6 the development of the pandemic in the early stages as  
7 well. And at paragraph 19 of your statement, and this  
8 is at INQ000446235, you indicate that the Executive held  
9 its first substantive discussion about Covid-19 on  
10 2 March, and this is what you say about that meeting,  
11 and we can see that you say that the CMO observed that  
12 most people would have a minor illness like a cold. 98%  
13 would get better. He said that the fatality rate could  
14 be 2 to 3%, the peak could last for 15 weeks, and 50% or  
15 more of the population could be affected, but lots of  
16 minor cases very mild.

17 I think if we just look down towards the bottom of  
18 that paragraph, you say that you were concerned that  
19 there was an inconsistency between the medical and  
20 scientific advice that you were receiving and that being  
21 given to other countries.

22 Very briefly, Ms Hargey, what was the nature of your  
23 concern about the advice that you were receiving at that  
24 time?

25 **MS HARGEY:** Well, I think at the start, I mean, from,

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1 I suppose, January right through, Health were kind of  
2 taking the lead because it was a health pandemic. That  
3 said, there were updates that were given to the  
4 Executive I think as we approached into the March  
5 period. I mean, with the role of social media now, with  
6 press statements from the World Health Organisations,  
7 you could just see on, as I say, social media platforms  
8 how the virus was developing in other countries.

9 Obviously, the approach and the advice here was to  
10 take a steady approach, we're in a containment phase,  
11 and I suppose at that point from that Executive meeting  
12 and as we progressed through March, there were concerns  
13 raised: are we moving quickly enough? Are we taking  
14 a proactive approach as much as we could? And I think,  
15 you know, that's where the discussions were.

16 And particularly as you move into the second week  
17 and into March, the issue around school closures, the  
18 public advice and information, you know, that the public  
19 were getting, even in terms of the island, because  
20 the South had moved in terms of introducing measures.  
21 And people living here don't see a border in that  
22 regards; they see one part of the island moving and the  
23 other part not, you know. So we were concerned. Were  
24 we having -- was the pace, in terms of our response to  
25 the pandemic, was it enough? Was it appropriate? And

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1 south, east, west, and then more broadly beyond the  
2 islands as well.

3 **MS TREANOR:** I'd just like to bring up the notes of the  
4 Executive meeting on 19 March.

5 This is at INQ000065737.

6 Here we can see Minister Swann advising the  
7 Executive essentially of the worst-case scenario for  
8 Covid-19, and he refers to 32,000 cases per day with  
9 9,500 deaths, and he describes those as "scary numbers".

10 Now, in your statement you characterise this as  
11 a significant shift in the medical and scientific advice  
12 being given to ministers, and you say that the  
13 information now being provided was alarming and the  
14 potential consequences were frightening. Do you suggest  
15 that this was really the point at which you began to  
16 appreciate the gravity of the pandemic?

17 **MS HARGEY:** Well, I think it was before that, because  
18 I think I was in a meeting -- I may get it wrong, it was  
19 around 16 March --

20 **MS TREANOR:** Correct.

21 **MS HARGEY:** -- where I was noted as saying, you know, that  
22 people were terrified, words to that effect, and I think  
23 it was also noted -- I think it might have been  
24 Conor Murphy, as the minister, saying, you know, that  
25 people were taking their own actions as well with what

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1 what more could be done?

2 And I suppose in all of this, I mean, you were  
3 looking at best practice wherever you could get it,  
4 obviously from the health professionals here. I believe  
5 people were trying to do their best at that moment in  
6 time. But, of course, you wanted to look north and  
7 south, you wanted to look east and west, and you also  
8 wanted to look internationally in terms of, you know,  
9 what is the advice? What is the best practice? What's  
10 working well and what's not?

11 **MS TREANOR:** Just to clarify, Ms Hargey, it's not the case  
12 then that you had access to scientific advice beyond  
13 that that you were getting from the CMO and CSA? It was  
14 really that sort of what you were perceiving in the  
15 media, essentially?

16 **MS HARGEY:** Well, it's what you were getting from statements  
17 from the likes of the World Health Organisation, yes.  
18 It's what you were picking up in terms of other  
19 jurisdictions; what they were moving on. It's not that  
20 you were contradicting the advice that you were getting  
21 because we were taking the advice from the medical  
22 officers and from the Department of Health. But we had  
23 a responsibility also to query that advice to ensure,  
24 you know, that we did fully understand it, and  
25 of course, that you were, as I say, looking north,

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1 seemed to be the lack of action or at least the pace of  
2 action within the Executive, particularly around school  
3 closures and larger events. And we believe that that  
4 should have moved quicker. You know, so there were  
5 those tensions as such in terms of the pace.

6 And I think that that would even be before that  
7 advice that the health minister had gave. We had been  
8 raising concerns around the pace around school closures.  
9 The fact that, you know, Belfast City Council cancelled  
10 their St Patrick's Day event, I think that was a big  
11 marker. And also what you were seeing from the ground  
12 was that people were actually, you know, making  
13 decisions themselves within their own families and  
14 within the home, for example of not sending their  
15 children to school, of isolating and taking those  
16 practical steps.

17 **MS TREANOR:** Yes, and with that in mind, just coming back to  
18 what you've said in your statement, characterising this  
19 as a significant shift, would it therefore not be fair  
20 or accurate to say that that actually was a significant  
21 shift, given that you were already concerned and on  
22 2 March you had been told that the fatality rate could  
23 be 2 to 3%, the peak could last for 15 weeks, and over  
24 50% of the population could be affected --

25 **MS HARGEY:** I think it was a significant shift in that in

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1 early March it was a gradual steady response and it was  
 2 a containment phase, and then as you moved towards that  
 3 meeting obviously it was -- everything was being scaled  
 4 up and things got more serious. So yes, there is no  
 5 doubt that there was a shift but I suppose some were  
 6 articulating before that meeting in the previous  
 7 Executive meeting, you know, that that would have been  
 8 the time to move, or at least even before that again.  
 9 And I suppose that was part of the discussions and the  
 10 deliberations at the Executive meetings during that  
 11 period.

12 **MS TREANOR:** Okay, thank you.

13 I would like to just move on very briefly to come  
 14 back to the activation of the NICCMA arrangements, and  
 15 we know that the Executive agreed to activate those  
 16 arrangements --

17 **MS HARGEY:** Which arrangements, sorry?

18 **MS TREANOR:** The Northern Ireland Central Crisis Management  
 19 --

20 **MS HARGEY:** Oh, sorry.

21 **MS TREANOR:** -- Arrangements. I'm abbreviating to NICCMA to  
 22 save myself from getting tongue tied.

23 In your statement you suggest that setting up those  
 24 arrangements earlier would have assisted the Executive,  
 25 as ministers could have stepped in and provided the

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1 **MS TREANOR:** Would that have assisted your department, in  
 2 terms of having that source of information from Health?  
 3 Might it have assisted your --

4 **MS HARGEY:** I think it definitely would have assisted all  
 5 departments, but we potentially could have hit the  
 6 ground running a lot sooner, so instead of, for example,  
 7 the community helpline being set up later in March, we  
 8 could have maybe had that set up in February or early  
 9 March. You know, where there is room for improvements  
 10 or things that we could have done sooner, you know, as  
 11 I say, with the benefit of hindsight now, that should  
 12 have been done, yes.

13 **MS TREANOR:** Now, Ms Hargey, we've already touched on some  
 14 of the initiatives that your department has set up, and  
 15 you've mentioned the Voluntary and Community Sector  
 16 Emergency Leadership Group, and as I understand it that  
 17 was really a mechanism for your department to gather  
 18 information directly from community and grassroots  
 19 organisations; have I got that right?

20 **MS HARGEY:** I think it was to do it. There was an emergency  
 21 leadership group within the department that was there  
 22 before I had even come into the department, but it would  
 23 have been large regional organisations like the  
 24 Red Cross.

25 When I came into the department and we were being

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1 necessary leadership at an earlier stage in the  
 2 pandemic, and I think you've already suggested that  
 3 perhaps the Department of Health was taking the lead at  
 4 that time prior to the activation of these arrangements.  
 5 But what, if anything, did you see as the benefits of  
 6 standing up those arrangements at an earlier stage, in  
 7 light of your answers that your department had already  
 8 begun preparatory work?

9 **MS HARGEY:** I think it probably could have been the  
 10 cross-departmental nature. And looking at the  
 11 intersectionality across each of the departments, you  
 12 maybe could have highlighted things a lot earlier.

13 I think obviously -- I mean, in hindsight we can now  
 14 see that if we had have done things earlier that would  
 15 have been a better outcome, you know, than what -- when  
 16 you were going through it at that point in time. And  
 17 I think it shows now, you know, if you were doing it  
 18 again that you would ensure that those contingency  
 19 arrangements, that the planning would have been done  
 20 sooner, and to ensure that it wasn't maybe -- you know,  
 21 whilst one department may take the lead as such, that  
 22 all departments around the Executive table, that there  
 23 is that intersectionality in terms of issues, and that  
 24 we could have been engaging and planning around those  
 25 issues much earlier.

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1 hit with the Covid pandemic, I thought it was important  
 2 that of course those organisations remain but that we  
 3 also had input and voices from the grassroots, from  
 4 direct, lived experience on the ground, and I broadened  
 5 the emergency leadership group to make sure we were  
 6 taking in as much of that input, also including local  
 7 councils, for example, that -- we have 11 public  
 8 authorities across the North, and it was important that  
 9 if we were going to plan interventions it just wasn't  
 10 taking a sounding.

11 We also worked with the emergency leadership group  
 12 as we moved into the pandemic in designing what the  
 13 mitigations and responses would look like, and in some  
 14 regards we co-designed some of those interventions as we  
 15 started to move forward.

16 **LADY HALLETT:** Slower, please.

17 **MS HARGEY:** Sorry, apologies.

18 **MS TREANOR:** Just on that point, Ms Hargey, are you able to  
 19 offer us an example of how information or co-production,  
 20 as you've put it, with those groups fed back up the  
 21 chain and really informed any mitigations that your  
 22 department put in place?

23 **MS HARGEY:** Well, I think one was the Covid Community  
 24 Helpline. We worked -- I mean, one of the partners that  
 25 we have within the department is Advice NI, that we

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1 would work with on benefits advice across the board.  
 2 They had already operated a helpline in terms of those  
 3 issues around benefits and support, and through the work  
 4 of the emergency leadership group and through the  
 5 connections that we had, we had decided, rather than  
 6 recreating the wheel or creating something new which  
 7 would have taken longer time, we partnered up and  
 8 twinned with Advice NI to then develop the Covid  
 9 Community Helpline to ensure that we could establish it  
 10 sooner rather than later.

11 We recognised and respected that they had a plethora  
 12 of knowledge of other organisations on the ground, that  
 13 if someone did phone in, no matter what their issue or  
 14 concern was, that they had that knowledge that they  
 15 could signpost people to support.

16 So there were interventions like that.

17 I think also early on in terms of the heating  
 18 payments that we brought forward in terms of financial  
 19 hardship for people. I think also the food delivery, so  
 20 again access to food, not just in terms of priority  
 21 supermarket slots but also that -- particularly for low  
 22 income families that maybe don't fit within the benefit  
 23 system.

24 You know, there was early indications coming from  
 25 communities on the ground that they were being impacted  
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1 unanswered -- risk that needs will be unmet."

2 And it says that your department was:

3 "... working with Advice NI and Council Chief  
 4 [Executives] to address the issue."

5 At that stage, Ms Hargey, that helpline had been  
 6 operational for about one week.

7 **MS HARGEY:** Yep.

8 **MS TREANOR:** What had gone wrong, if anything, and how long  
 9 did it take to resolve that issue?

10 **MS HARGEY:** Well, I think, clearly, because I was very  
 11 directly involved, I would have been involved in those  
 12 meetings within that first week of the helpline being  
 13 established. It was oversubscribed in terms of the  
 14 demand and I think that was an early indication of the  
 15 demand that was out there, the confusion around  
 16 information, people who were out on the ground who  
 17 genuinely wanted -- so I think on the one hand it showed  
 18 that the helpline was working, in that people had found  
 19 out about it and they were phoning, we just didn't have  
 20 the people power there to sustain the amount of calls.

21 We urgently then reviewed the situation. I was  
 22 directly involved in meetings with Advice NI and within  
 23 the department as well, and we brought about additional  
 24 funding for that service to ensure that Advice NI could  
 25 bring forward more personnel in order to oversee the  
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1 in terms of being out of work, in terms of maybe having  
 2 to come out of work for caring responsibilities,  
 3 particularly when the schools closed, and we worked,  
 4 through the emergency leadership group, on things --  
 5 even what should be contained in the food boxes, how do  
 6 we distribute those. And through that collaboration it  
 7 was agreed that we would set up 11 regional hubs, using  
 8 the local councils; because, again, they're closer to  
 9 the ground than what the department is, they know the  
 10 communities in which they're operating in, and they have  
 11 a network of community organisations, then, that that  
 12 could distribute that food. And over the course of the  
 13 food distribution, just as one example, over  
 14 200,000 food parcels were delivered to communities  
 15 across the North.

16 **MS TREANOR:** I'd just like to look a little more closely at  
 17 a couple of those interventions that you've mentioned.

18 Perhaps we could have on-screen, please,  
 19 INQ000065829.

20 Now, this is an extract interest a TEO daily sit rep  
 21 on 4 April.

22 If we can go to page 3 of that, please.

23 Item 1 says:

24 "Complaints [were received] on calls to the Covid 19  
 25 Community Helpline by vulnerable people going  
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1 phones.

2 We looked at interim arrangements, actually, where  
 3 members of staff were also redirected within the social  
 4 security and within the Department for Communities  
 5 system. So there was a real effort to try and make sure  
 6 that we mitigated against that risk, with the huge  
 7 swelling of numbers.

8 This also correlated with, for example, the huge  
 9 increase in people that came to the social security  
 10 system. We were on average getting an additional 16,000  
 11 people a week that were then presenting for social  
 12 security payments that weren't before, and certainly  
 13 within the first month, nearly, of the pandemic there  
 14 was an increase in Universal Credit claims of over  
 15 40,000. So these were the type of numbers and the  
 16 demand on the system that we were starting to be  
 17 impacted by, and we tried to move as quickly as we could  
 18 in order to meet those needs.

19 I think really what it highlights, you know, was the  
 20 importance of the helpline, the fact that it was  
 21 oversubscribed, you know, that the message did get out,  
 22 I think through the emergency leadership group and  
 23 through our community contacts that the helpline was  
 24 there. We recognised initially there wasn't enough  
 25 resource and maybe we underestimated the initial demand,  
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1 and we worked very quickly to try to rectify that as  
2 soon as possible.

3 **MS TREANOR:** Yes.

4 And the other initiative that I wanted to pick up on  
5 with you was the Access to Food initiative, and you had  
6 mentioned online priority slots. And we know that in  
7 England elderly and vulnerable people were, at the  
8 outset, able to access those slots online, but that in  
9 Northern Ireland your department had said that it was  
10 too complex to replicate that here, and very briefly  
11 I just wanted to ask if you could shed any light on the  
12 particular difficulty?

13 **MS HARGEY:** This was one area in terms of cross-departmental  
14 working, so the social market slots in England --  
15 England health system has a centralised database, so  
16 when they had looked at their shielding letters and who  
17 were going to receive them, they had one database that  
18 they could print off of those who were shielded. Here,  
19 we had over 500, because it's within each of the local  
20 general practice surgeries across the North, so your  
21 local doctors surgery, and that's how the Department of  
22 Health letters were issued in terms of those shielding  
23 and the vulnerable groups. That took an extra amount of  
24 time, I think it was almost two months additional, to  
25 actually contact all of those 500 different surgeries to

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1 the scheme at that time?

2 **MS HARGEY:** Well, I think -- I mean, I recognise we were  
3 moving at pace. We were trying to respond to the urgent  
4 need that was presenting itself, and food was one of  
5 those key areas that was coming up.

6 Within the emergency leadership group, we had two  
7 groups that kind of covered the broad disability area,  
8 Inspire and also the NOW Project, who actually work  
9 within food as well, so we were taking advice from them.

10 I did read the Disability Action report that they  
11 did produce in January 2020, and I completely recognise  
12 the difficulties that were presented in the midst of  
13 a pandemic and of course, you know, I do recognise that  
14 there are areas that we definitely need to improve.

15 I think for example, you know, having  
16 Disability Action maybe involved in the emergency  
17 leadership group and other strands of work, that there's  
18 definite learning that we can pick up from that.

19 We did try to move at pace at that time to make sure  
20 that that group was reflective, as much as it could be,  
21 but not too big that you couldn't then do anything in  
22 terms of quick interventions. But were there  
23 shortcomings when you look back on that period?

24 Absolutely. Are there lessons to be learned? Totally.  
25 And I think one of the big lessons was, even in terms of

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1 get the information back in.

2 So I think there's definite learning in the pandemic  
3 in terms of the system within health and how that's  
4 structured, having a centralised database. I suppose  
5 not having a centralised database at that point hindered  
6 and delayed some of the interventions that we could do.

7 In the meantime, we did try to work with  
8 supermarkets, and particularly with local providers,  
9 around trying to make sure, you know, that if somebody  
10 self-identified that they were vulnerable, that they had  
11 the letter, that that should be accepted.

12 I think also at that time as well, that's why we  
13 started the food box initiative, of over 200 food boxes  
14 that were then distributed across the North as well --

15 **MS TREANOR:** I just --

16 **A.** -- just to try to complement some of those gaps and some  
17 of those shortcomings in the database.

18 **MS TREANOR:** I would just like to ask you about the food box  
19 scheme. In a report published by Disability Action in  
20 September 2020, the organisation was critical of the  
21 support that had been offered and suggested that at  
22 times -- and I think you've accepted this earlier -- it  
23 was potentially inconsistent at times and at times it  
24 was unsuitable.

25 Were you aware of concerns around the consistency of  
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1 the disability strategy that my department had  
2 responsibility for, is to ensure that any of these  
3 interventions, whether they're short term or long term,  
4 that we co-produce and we co-design the interventions  
5 and the work with the sector. And certainly lessons for  
6 the department is we did that with the disability  
7 strategy, where we worked directly with them, they  
8 worked with the departments in designing that strategy  
9 going forward.

10 **MS TREANOR:** Thank you, Ms Hargey, I'll give you a break now  
11 and I'll turn to you, Ms Ní Chuilín, I'm sorry I've been  
12 ignoring you.

13 **MS NÍ CHUILÍN:** You're okay.

14 **MS TREANOR:** Your first day in the role as 15 June 2020.

15 **MS NÍ CHUILÍN:** That's right.

16 **MS TREANOR:** When you came into office, were there any  
17 ongoing issues or difficulties within the department  
18 related to the pandemic response that you had to  
19 resolve?

20 **MS NÍ CHUILÍN:** Not that I was aware of. I mean, I had,  
21 I suppose, the foresight of sitting on the communities  
22 committee, so a lot of the scrutiny role, and that's the  
23 purpose of the committee, of the department, of the  
24 different interventions.

25 Now obviously if there was internal issues, they  
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1 would not have been known to the committee, but I didn't  
2 see any. I seen a department that was very proactive.  
3 I would consider that I had the privilege of working  
4 with officials who really wanted to do their best, and  
5 who were actually proud of the initiatives that Deirdre  
6 had brought forward.

7 It was -- I mean, Deirdre had instilled very much  
8 a team approach rather than, you know, "us and them" or  
9 whatever. So I have to say I was quite impressed when  
10 I came in. Albeit on your first day, you have to come  
11 straight into an Executive meeting, you get your first  
12 day brief. And I had the -- I had the experience of  
13 being in a department previously for five years, so  
14 I had the, I suppose, the experience and the knowledge  
15 to try and look underneath some of the things. But it  
16 was very good.

17 **MS TREANOR:** Were there any learnings from the first wave,  
18 for example, that you saw being implemented at that  
19 time? Was that something that the department was  
20 turning its mind to at that point?

21 **MS NÍ CHUILÍN:** So I think, yes, there were. So,  
22 for example, I mean, the issue that Deirdre spoke about  
23 earlier, and you have raised yourself, around how to  
24 ensure that where gaps are identified to try and close  
25 them as best possible, now, Deirdre's already mentioned  
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1 continued really steadily --

2 **MS NÍ CHUILÍN:** That's correct.

3 **MS TREANOR:** -- from that point until winter; do you agree?

4 **MS NÍ CHUILÍN:** I do.

5 **MS TREANOR:** In your statement you indicate that you've  
6 considered whether what happened from August 2020  
7 onwards demonstrates that restrictions had been eased  
8 too quickly or without adequate planning across the  
9 summer, and you indicate that you don't believe that it  
10 did, and I just wanted to ask you why you thought that.

11 **MS NÍ CHUILÍN:** So, I mean, I think there were several  
12 factors. I mean, over the summer there was a belief  
13 that the restrictions and easements, you know, would  
14 have actually been more effective because people would  
15 have been outdoors. So that was the issue or the  
16 concern, and I suppose even the hope.

17 But, I mean, there -- and I don't know if you're  
18 going to touch on the modelling or whatever, but the  
19 best -- the scientific and medical advice that we  
20 received for us was always the best guide. We also  
21 listened anecdotally and tried to get underneath the  
22 skin of that as well.

23 So I understand there may be many reasons for it,  
24 but certainly some of the restrictions possibly being  
25 lifted early may have been a contributory factor.  
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1 it, I'm sure, I too listened to the disability --

2 Nuala Toman's evidence, and I have since read the  
3 report, and I was -- I suppose I was a bit upset because  
4 I just didn't like the feeling that someone felt that we  
5 thought they were invisible, to be honest.

6 But in terms of, you know, even at the very early  
7 stages -- see, I'm coming, and I'm going into the  
8 department on the basis that there was already  
9 an equalities (unclear) before Covid. So it's quite  
10 fair to say I don't believe a rising tide floats all  
11 boats, because it does not.

12 I'm also coming into a department, like Deirdre,  
13 where there has been three years of a gap and over  
14 a decade of Tory cuts on the most vulnerable, and we are  
15 now in the teeth of a global pandemic where evidence  
16 from esteemed academics, WHO and others, were saying  
17 that the most vulnerable are likely to be -- feel the  
18 impacts. So I'm always looking to see what else that  
19 can be done, to be fair.

20 **MS TREANOR:** Okay.

21 Shortly after you took up post in late August 2020,  
22 the Executive was informed that there had been a rapid  
23 increase in transmission of Covid, particularly among  
24 young people, and there were smaller clusters occurring  
25 over a wider area, and that increase in transmission  
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1 **MS TREANOR:** Okay.

2 At the meeting, just jumping slightly ahead in the  
3 chronology, of the Executive on 1 October, the  
4 First Minister suggested that an appropriate point had  
5 been reached to consider and implement a reset of the  
6 Executive's approach to the management of the pandemic,  
7 and in your statement you indicate that you were  
8 supportive of that reset.

9 **MS NÍ CHUILÍN:** That's correct.

10 **MS TREANOR:** Can you explain what the rationale for that  
11 reset was, why you were supportive of it, and what it  
12 looked like in practice.

13 **MS NÍ CHUILÍN:** Because I, first of all, think that --

14 I mean, the reset wasn't that ambitious, to be frank.  
15 It was a stocktake. It was: let's look to see where we  
16 are, what is working well, what is not working so well,  
17 what we need to do better. Also I think it was  
18 completely appropriate that we do that. And I was in  
19 favour of a reset simply because, and I have listened to  
20 others who have said this, I think the pandemic was  
21 having an impact certainly on families in terms of  
22 mental health, not having access to the same money,  
23 despite all the mitigations that were put in place, if  
24 you're trying to educate your children at home. There  
25 was a lot of other external pressures in addition to the  
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1 pandemic. And they were coming at every minister, every  
2 minister was getting something similar. And indeed we  
3 were getting the feedback from the different fora and  
4 groups that were working with us all as partners. So  
5 I just felt -- it felt right to do a reset at that time.

6 **MS TREANOR:** What changed after the reset in terms of the  
7 Executive's approach? Was it essentially a stocktake  
8 rather than --

9 **MS NÍ CHUILÍN:** It was more of a stocktake.

10 **MS TREANOR:** Moving on, then, to the Executive meeting on  
11 8 October, and you might remember this one, this is the  
12 one where the CMO is reported in the minutes to have  
13 said:

14 "... never more concerned as CMO than I am now.  
15 Short window of opportunity. Sooner rather than  
16 later -- intervention now to avoid situation in  
17 2/3 weeks."

18 The handwritten note of that meeting then records  
19 you as having stated:

20 "... Evidence clear -- ... if don't get R  
21 below 7 ..."

22 And I think that should be 0.7?

23 **MS NÍ CHUILÍN:** Yes.

24 **MS TREANOR:** "... huge diffs - need intervention."

25 **MS NÍ CHUILÍN:** Yes.

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1 radar at that time?

2 **MS NÍ CHUILÍN:** Yes, there were.

3 So without going into a whole context of it, so I --  
4 during that I lived on the New Lodge Road, BT15, one of  
5 the most deprived wards on these islands, and I was  
6 aware growing up, my whole life, the power of sports  
7 that had in keeping young people safe. It kept them out  
8 of conflict, but in latter years it kept them alive,  
9 particularly the GAA, particularly young men, boxing and  
10 other sports.

11 And, well, there wasn't the same access to crowds or  
12 groups or meetings. And I know a lot of the clubs done  
13 their meetings outside. I seen the power of bringing --  
14 not only keeping the young people safe who were already  
15 engaged in sport but getting other young people to  
16 a meeting or to an event through sport. Because  
17 I believed that they offered positive role models and it  
18 was like the obvious thing for me to offer and arts and  
19 culture was the same.

20 **MS TREANOR:** Ms Ní Chuilín, if I could stop you there, in  
21 the context of a meeting where the Chief Medical Officer  
22 has said that he is never more concerned than he is now,  
23 might it seem a bit incongruous to focus, perhaps, on  
24 sports -- without suggesting that they aren't important  
25 for the reasons that you've suggested, but were(?)

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1 **MS TREANOR:** And you go on to say that you were:

2 "Looking to see how [you could] help sport etc.

3 Don't point out what people already know -- bring  
4 proposals to help."

5 Now, in your statement you contextualise that a bit  
6 more and you say that you were alarmed at that point by  
7 what you were hearing from the CMO at that point. What  
8 action did you consider was necessary at that stage?

9 **MS NÍ CHUILÍN:** So there was no recommendation that came, so  
10 for the CMO, and obviously he can quite ably explain  
11 this himself, but despite differences we did work in  
12 a collegiate way, and every minister in my opinion did  
13 their very best, and the Executive was the right place  
14 to air any differences or differences in approach or  
15 differences in emphasis, but for the CMO to come to  
16 an Executive meeting and to say that he was never more  
17 alarmed in his role as CMO, I think -- was  
18 I paraphrasing? -- and then not to offer, you know,  
19 advice or a recommendation, I just couldn't understand  
20 the logic of it at all, to be frank. And I'm sure  
21 I wasn't on my own. Well, I'd be shocked if I was on my  
22 own in thinking that way.

23 **MS TREANOR:** In the meeting you're also reported to have  
24 said you were looking to see how you could help sport.

25 Were vulnerable groups and communities at risk on your  
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1 vulnerable communities -- for example I think we've  
2 touched on older people, the disabled, and those groups  
3 that really formed part of your strategic  
4 responsibility.

5 **MS NÍ CHUILÍN:** So when you put it like that, it seems,  
6 you know, sports just has come out of nowhere. I mean,  
7 there was a focus prior to that on young people, and my  
8 concern was -- so obviously it's not reflected, it's not  
9 reflected and I accept that, but, you know, evidence  
10 and -- albeit physical or anecdotal evidence says that  
11 children and young people particularly aren't listening  
12 to messaging or there's a perception that they are  
13 infected more, the rate (unclear) children and young  
14 people infection more, that was by way of an offering  
15 that this is probably a positive role model. It's not  
16 to diminish what older people were facing or disabled  
17 people were facing, or women who were living in abusive  
18 relationships were facing. So I just want to get, put  
19 that on the record, to be honest.

20 **MS TREANOR:** Did the department at any stage undertake any  
21 work to identify and assess the impacts of the  
22 non-pharmaceutical interventions, for example, on the  
23 groups that you've just mentioned?

24 **MS NÍ CHUILÍN:** Um --

25 **MS TREANOR:** -- specific groups.

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1 **MS NÍ CHUILÍN:** So I can't remember it in my time. I think  
2 we were just getting through as best we could.  
3 I believe other than getting the information back  
4 about what was working and what other interventions were  
5 needed, other interventions that would actually help  
6 keep people safe.

7 I was also aware that probably somewhere down the  
8 line, the arm's length bodies that Deirdre and I worked  
9 with in our department which looked at libraries,  
10 museums, sports, arts, that was perhaps something that  
11 we could do collectively, again using the co-design and  
12 co-production model and working with the partners  
13 that -- to be frank, they were the first responders.  
14 These people were the first responders going into  
15 communities with food boxes when everyone else was  
16 afraid. So it would be completely -- it would be  
17 completely offensive to ignore them, so ...

18 **MS TREANOR:** Ms Ní Chuilín, then on 13 October the Executive  
19 agreed a four-week circuit-breaker to commence on  
20 16 October. In your statement you say that you consider  
21 that that decision was correct, but you suggest that it  
22 could have been taken earlier. Is that right?

23 **MS NÍ CHUILÍN:** Yes, well, given what the CMO said on  
24 8 October, and the restrictions were being brought in on  
25 the 16th, there's a gap. So for that reason it could  
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1 What I can say, and I've said it in my statement, in  
2 my experience the DUP were concerned about the  
3 imposition of restrictions around this period, and  
4 certainly the first to try and get them lifted, and  
5 (unclear) understand it, because, as I said to you  
6 previously, we were -- people were getting hit hard,  
7 financially as well as physically. But at the same time  
8 I would not describe asking for a further two weeks as  
9 controversial at all.

10 **MS TREANOR:** Now, I won't open the minutes -- or the  
11 handwritten notes, rather, of that meeting, but we know  
12 that it seems to have deteriorated as the days went on.  
13 Can you describe the tone of that meeting, and  
14 explaining what brought it to an apparent breaking  
15 point?

16 **MS NÍ CHUILÍN:** Well, I mean, it was a first time that the  
17 cross-community vote was used. Previous to that -- in  
18 my experience, previous to that, any votes that were  
19 taken were done on a majority basis.

20 You also had, and Edwin Poots can talk for himself,  
21 but certainly -- and I don't know if Diane Dodds was  
22 asked these questions or not, so forgive me, but  
23 certainly at times it felt like it was lives and  
24 livelihoods were seen as two separate issues, competing  
25 issues, when it was -- it was all collective.  
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1 have been brought in earlier. But, as I said earlier,  
2 that meeting didn't come with a recommendation, it came  
3 with a very strong alarming statement and that's --  
4 that's all, that's all that was delivered, to be frank.

5 **MS TREANOR:** That's something we can explore with --

6 **MS NÍ CHUILÍN:** I'm sure you will.

7 **MS TREANOR:** -- witnesses.

8 That takes us up to the Executive meeting on  
9 9 November 2020, and the proposal from the Minister of  
10 Health at that meeting was that the existing  
11 restrictions which had been agreed on 16 October and  
12 were due to expire on 12 November would be extended for  
13 a further two weeks. Did you agree with that proposal?

14 **MS NÍ CHUILÍN:** I did.

15 **MS TREANOR:** Now, we know that that meeting adjourned and  
16 reconvened several times across a number of days. It  
17 seems there was considerable difficulty in reaching  
18 agreement on the proposal and I want to ask you this:  
19 why was that proposal so controversial?

20 **MS NÍ CHUILÍN:** I can't answer that. I think you're going  
21 to have to ask ... I'm sure -- I know you had Peter Weir  
22 in earlier, and I didn't see all of Diane Dodds'  
23 evidence, but I didn't find a further two-week extension  
24 to keep people safe controversial at all, and so I can't  
25 answer why they felt it was controversial.  
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1 And the attitude about the scientific and medical  
2 advice that was given I felt at times was why people are  
3 afraid to disagree, and we did throughout this. I just  
4 felt that it was being disregarded.

5 I would have dealt with that like any other meeting,  
6 because those meetings need to be robust. Unfortunately  
7 they were not at times, and people had their guards up.  
8 But when the cross-community vote was called for, I just  
9 felt it was a complete inappropriate use of a mechanism  
10 that was brought in as part of the Good Friday Agreement  
11 to protect minority rights, equalities and human rights.  
12 And I could not and still don't understand why that was  
13 called in.

14 **MS TREANOR:** Okay, Ms Ní Chuilín, just to explore that  
15 a little further, from the face of the handwritten notes  
16 of that meeting it seems that you said very little. Why  
17 was that the case?

18 **MS NÍ CHUILÍN:** Sometimes the less said the better, to be  
19 frank. Don't be thinking that because I wasn't on the  
20 record as not having said anything that I wasn't  
21 concerned or that I wasn't disappointed or that I wasn't  
22 upset at the use of the vote. I just feel -- and you  
23 will see throughout the notes, for all ministers,  
24 throughout the Executive meetings that people normally  
25 speak to a paper or speak to an issue. I just felt it  
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1 would have brought no further benefit, other than,  
2 you know, what you see already in the handwritten notes.  
3 **MS TREANOR:** Ms Ní Chuilín, you've indicated that you felt,  
4 I think you said, disappointed and upset, and that you  
5 had concerns. Would it not have been important for you,  
6 as the Minister for Communities, to communicate that in  
7 that meeting?

8 **MS NÍ CHUILÍN:** Well, let me also say that Michelle O'Neill,  
9 who was the deputy First Minister, chaired that meeting  
10 over a period of days. Michelle O'Neill, and indeed all  
11 (unclear) who spoke, but certainly from our party,  
12 articulated what needed to happen rather than going down  
13 what we needed -- I couldn't understand why you had to  
14 explain the need for an additional two weeks,  
15 particularly when we were going into a surge.

16 **LADY HALLETT:** I think we'll leave that there, Ms Treanor.  
17 I think it's very political territory and I think we've  
18 probably had enough --

19 **MS TREANOR:** Understood, my Lady.  
20 Just one final question on that meeting  
21 Ms Ní Chuilín. We do see you having an exchange with  
22 the Chief Medical Officer at an earlier stage in that  
23 meeting, and the handwritten note of the meeting records  
24 the deputy First Minister as having asked the Chief  
25 Medical Officer about isolation figures, and he gives  
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1 you'd have really needed it. You know, so things like  
2 that.

3 So I wasn't -- it does sound like I was being quite  
4 rude. I was basically saying I have asked for this  
5 before. I was conscious that I had to account for  
6 public money, I didn't assume that this money would be  
7 forever flowing, and I was anxious -- to be more honest,  
8 I was more anxious than critical. And I also was  
9 concerned that the experiences here, given the history  
10 of poverty and deprivation and discrimination and the  
11 impacts that that had were not reflected in any  
12 modelling going forward in the future. So ...

13 **MS TREANOR:** Thank you for that, Ms Ní Chuilín. I certainly  
14 wasn't suggesting that you were being rude.

15 **MS NÍ CHUILÍN:** No, no, I accept that, but when you read it  
16 out, I even feel it sounded a bit curt, and that's not  
17 us.

18 **MS TREANOR:** Finally, then, Ms Ní Chuilín, in your view, did  
19 the meeting of 9 November have any impact on Executive  
20 relations thereafter, and if so, what was the impact?

21 **MS NÍ CHUILÍN:** Well, I think there certainly wasn't the  
22 same confidence coming from others -- well, from the DUP  
23 or Edwin Poots -- about the scientific and medical  
24 advice then, so that was worrying.

25 I also think that the use of the cross-community  
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1 an answer which I'll summarise. He says that this was  
2 a previous Executive question where he "shared  
3 information from England [and] Wales ...  
4 [Northern Ireland] [probably the] same as elsewhere".  
5 And from the notes you then appear to have been critical  
6 of the modelling, and you say you:

7 "Need robust modelling -- public money ...  
8 reasonable ask ... when will we see this data -- asked  
9 two weeks ago ... need more robustness than what I have  
10 seen ... need clear info."

11 What was your concern about the modelling at that  
12 time?

13 **MS NÍ CHUILÍN:** Well, that actually sounds very curt and  
14 rude, so as just to say, I simply -- I wasn't  
15 challenging the CMO, what I was challenging was that  
16 I didn't feel the experience of here in the North was  
17 reflected. So I believe it was almost a very centrist  
18 approach.

19 Now, I had to prepare in my department the number  
20 potentially now, and obviously it wasn't -- it wasn't  
21 down to a specific number, but, in the general, get  
22 an idea of how many people may have or may need a Covid  
23 isolation payment, how many people are going to try and  
24 access discretionary support, which is a grant, not  
25 a loan, because Deirdre insisted that happened, because  
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1 vote over something that I felt should have been  
2 a natural instinct for us to do, and that worried me,  
3 so ... and I believe that we all were concerned about  
4 how we were going to try and get the mitigations and the  
5 support to people as best we could, at the same time  
6 knowing that the funds aren't going to be here all the  
7 time.

8 So I do think it was an amalgamation of things, and  
9 I think anyone to go to chair and to go through  
10 a three-day meeting, it does have an impact. Now, I'm  
11 not saying, you know, it was forever lasting, but it did  
12 impact.

13 **MS TREANOR:** Thank you, Ms Ní Chuilín.

14 My Lady, I have no further questions.

15 **LADY HALLETT:** It's Ms Campbell.

#### Questions from MS CAMPBELL KC

17 **MS CAMPBELL:** Thank you, my Lady. My question in fact is  
18 for you, Ms Ní Chuilín, and it's really picking up on  
19 some of the themes of the evidence that you've just  
20 given about the impact of decisions.

21 Can I take you back to June 2020, because we know  
22 and you know that just two weeks after you took over in  
23 post as Minister for Communities, you chose to attend  
24 the very high profile funeral of Mr Storey, and you deal  
25 with it in your statement, and perhaps we can have  
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1 a look at the way in which you address it. It's at  
2 paragraph 209, thank you. I'm grateful to the technical  
3 staff.

4 You were asked by the Inquiry whether public  
5 confidence in the Executive's decision-making was  
6 impacted by breaches of rules and standards by public  
7 figures in the North or in Britain, and you believed  
8 that this did impact on public confidence. And you go  
9 on to say that you attended the funeral of your dear  
10 friend Bobby Storey in a personal capacity and you  
11 accept by doing so you caused hurt to families who lost  
12 loved ones during the pandemic, and you apologise for  
13 that.

14 Ms Ní Chuilín, by the time that you took over as  
15 communities minister in June 2020, you and everyone will  
16 have been only too aware that the Executive had imposed  
17 previously unthinkable restrictions on our community and  
18 that those restrictions had required a great many people  
19 to make very painful sacrifices, particularly around the  
20 attendance at funerals of parents, of children, of  
21 partners, or, as you put it, of dear, dear friends.

22 Rather than just hurt, can you see the impact that  
23 that had on our community in terms of anger and  
24 resentment towards our publicly elected representatives?

25 **MS NÍ CHUILÍN:** I can, Ms Campbell, and I just want to take  
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1 business in the Assembly straight after the funeral, so  
2 I had to go to the Assembly and bring in regulations  
3 that afternoon. I accept I should not have gone to the  
4 funeral in a ministerial car.

5 **MS CAMPBELL:** Well, is it further than that? Do you accept  
6 that you should not have gone to the funeral at all,  
7 given your role as a Minister for Communities?

8 **MS NÍ CHUILÍN:** I can see the hurt and the anger, and  
9 I accept -- I accept that now, yes, I do.

10 **MS CAMPBELL:** Thank you.

11 **LADY HALLETT:** Thank you, Ms Campbell.

12 I think we have some questions remotely. Mr Stern,  
13 have you got a link?

#### 14 Questions from MR STERN

15 **MR STERN:** Thank you, my Lady.

16 Ms Hargey, Ms Ní Chuilín, can I check whether you  
17 can see and see me clearly?

18 **MS HARGEY:** Yes.

19 **MS NÍ CHUILÍN:** We can.

20 **MR STERN:** Thank you. I ask questions on behalf of  
21 Disability Action Northern Ireland. Disability Action  
22 Northern Ireland is a disabled people's organisation,  
23 and that is an organisation run by and for disabled  
24 people.

25 I have two topics I want to ask you about. The  
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1 the opportunity again, again, to apologise to the  
2 families who lost a loved one. I am very sorry.  
3 I absolutely do see the impact, and I also recognise  
4 that people were more than angry. So I accept that, and  
5 I really am sorry.

6 **MS CAMPBELL:** Do you accept also, though, that it's not  
7 a matter of hindsight, looking back on the impact, that  
8 attending such a public funeral in those circumstances  
9 as a representative of our community, the consequences  
10 of that must have been foreseen by you in your decision  
11 to attend?

12 **MS NÍ CHUILÍN:** I think that's a fair point.

13 **MS CAMPBELL:** Not only, Ms Ní Chuilín, did you attend, but  
14 in order to get to the funeral, you used your  
15 ministerial car. That's a point that you have latterly  
16 accepted, I think, in the summer of 2020. You accepted  
17 that you did use your ministerial car.

18 **MS NÍ CHUILÍN:** I did, and I reimbursed the department for  
19 its use.

20 **MS CAMPBELL:** But the decision to attend a funeral at all,  
21 but in fact the decision to attend a funeral in  
22 a ministerial car, surely you can see and could have  
23 seen that that will have contributed to a sense of  
24 disillusionment within the community --

25 **MS NÍ CHUILÍN:** So I accept what you're saying. I had  
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1 questions are directed at both of you. First,  
2 engagement with disabled people's organisations, and  
3 second, DFC's disability strategy.

4 So turning first to that first topic. Ms Hargey,  
5 you gave evidence earlier this afternoon about the  
6 voluntary and community sector emergency leadership  
7 group, the ELG, and you mentioned in your evidence the  
8 fact that Disability Action Northern Ireland hasn't been  
9 represented on that group.

10 Now, given that the DFC is nominally responsible for  
11 social inclusion policy, including for disabled people,  
12 why did the membership of the ELG not include any  
13 disabled people's organisation representation when it  
14 was initiated in March 2020?

15 **MS HARGEY:** Well, I think I explained at the start in terms  
16 of the emergency leadership group, when I came into the  
17 department and we were hit with the pandemic, I did try  
18 to widen that group to make sure that it was more  
19 representative of communities on the ground so that we  
20 could have that direct impact fed into the department.

21 I also wanted to make sure that it was  
22 representative of those key areas of work where there  
23 would be vulnerabilities within the community. So there  
24 were two groups that cover those with disabilities that  
25 were involved in the emergency leadership group. As  
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1 I say, the NOW project that works with people with  
2 disabilities -- it's a social enterprise -- and also  
3 Inspire Wellbeing in terms of that. But I also accept  
4 that in reading Disability Action's document in looking  
5 at the concerns and the lived experience of those with  
6 disabilities and the impact that the pandemic had should  
7 Disability Action as a group in its own right have been  
8 there, I would say yes, they would.

9 And I added to that, that in terms of developing  
10 then the disability strategy, we did learn, you know,  
11 really right away from the pandemic, even in terms of  
12 the role of women, there was nobody -- there were women  
13 on the group but maybe not from the women's sector, and  
14 we rectified that issue also.

15 But I think in moving with the inclusion strategies  
16 around disability, then I did take a decision within the  
17 department that those strategies should be co-designed  
18 with the sector, with the communities on the ground to  
19 look at the direct impact. I had met with those sectors  
20 and with representatives from the community and those  
21 with disabilities as well -- now, it was on a Zoom call  
22 because of the pandemic -- to talk to them in terms of  
23 the direct impact. And what we also done was, as we  
24 were developing the emergency response going forward, we  
25 learnt from that as well early on. So one of the

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1 it came up, sorry, in earlier questions. You know, that  
2 is a broader issue, I think, in learning coming out of  
3 the pandemic as well and how data is collected across  
4 government and how it's desegregated in terms of  
5 disability or gender. I think there is definitely a gap  
6 there and more work to be done in the time ahead.  
7 **MR STERN:** Ms Hargey, a moment ago you mentioned the NOW  
8 Group. Can I just confirm, it's right, isn't it, that  
9 the NOW Group, that's a social enterprise supporting  
10 learning disabled people into employment, but that's not  
11 a disabled-led organisation, is it?

12 **MS HARGEY:** It is a social enterprise group, but it works  
13 with those with disabilities. We also worked with  
14 Inspire. We also worked with the Older People's  
15 Commissioner And the Children's Commissioner as well,  
16 but I do accept that we should have had  
17 Disability Action on as a key organisation that,  
18 you know, more broadly works on behalf of the sector.

19 I mean, I did read the report in terms of the early  
20 interviews that were done with people with disabilities,  
21 you know, and I completely accept the plight and some of  
22 the impediments that they faced, and I do think as a  
23 department -- I mean, I accept that now that they should  
24 have been involved. I think we worked to rectify that  
25 in all future work the department done. We did include

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1 programmes in terms of where we netted in to ensure that  
2 we included disability was the Job Start Scheme, so  
3 looking at employment issues for young people within the  
4 labour market in and around the pandemic. And the Job  
5 Start Scheme, this ran across England, Scotland, Wales  
6 and here. We slightly delayed the introduction of the  
7 scheme here because we included a specific focus on  
8 looking at disability in work because we recognised that  
9 that was a gap in terms of some of the initial analysis  
10 that was coming through.

11 And one step further to that, that did lead further  
12 on into the pandemic. We had the Harkin Summit then --  
13 it's an internationally renowned disability summit  
14 looking at the connection between disability and work,  
15 and the Department for Communities sponsored that summit  
16 to come to Belfast. And, again, we worked  
17 collaboratively; we actually co-designed that summit  
18 with the sector.

19 So I recognise in the early start of the pandemic,  
20 where we were moving at pace, we wanted to get support  
21 out on the ground. I tried to be as inclusive as  
22 I could, but I recognise there were gaps in that. We  
23 acknowledge that, and we have since tried to rectify  
24 that with department work going forward.

25 And I think also the issue of data because I think

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1 organisations such as Disability Action and others in  
2 co-design and responses to programmes of work that the  
3 department are leading on.

4 **MR STERN:** I'm grateful, Ms Hargey.

5 The second topic now is the disability strategy.  
6 Now, on 24 September 2020, the DFC announced that work  
7 would commence on the development of a suite of new  
8 social inclusion strategies and that was to include the  
9 disability strategy.

10 **MS HARGEY:** That's right.

11 **MR STERN:** Now, the projected launch date of that strategy  
12 remains publicly advertised as December 2021 on the DFC  
13 website. Now, entirely appreciating that neither of you  
14 are in ministerial posts at the DFC now, can you assist  
15 the Inquiry as to why that strategy has still not been  
16 published?

17 **MS HARGEY:** Yes, well, I can cover that for all the  
18 inclusion strategies -- disability, gender, sexual  
19 orientation and poverty -- which intersections with the  
20 Covid Inquiry. They are cross-departmental, they're  
21 Executive policies, so even though the Department for  
22 Communities are leading on the development of those,  
23 they need cross-Executive approval. And because the  
24 Executive came down in February 2022, we then couldn't  
25 bring those policies to the Executive to be approved.

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1 Now with the Assembly up and running and with  
 2 an Executive now in place, I would be confident that the  
 3 new minister in the Department for Communities will  
 4 bring those forward.  
 5 There were also delays in the devisement of the  
 6 strategies in terms of when we would have liked to see  
 7 them completed. Obviously Covid had an impact because  
 8 the department's energy then focused on mitigating the  
 9 worst effects of the pandemic, but also because we took  
 10 a deliberate approach to co-design these policies with  
 11 the sectors, and that took more time in order to  
 12 facilitate those discussions.  
 13 We, I suppose, engaged with all of the sectors,  
 14 including the disability sector, and that was something  
 15 that they agreed to. I know I had done a direct meeting  
 16 with those that were involved in the co-design of the  
 17 disability strategy, because I also recognised that  
 18 disability legislation here is way out of date. I think  
 19 that's part of the lessons learned in terms of the  
 20 implications. And we worked with them in terms of that  
 21 co-design approach. But I am -- it was -- because there  
 22 was no Executive, the policy couldn't progress, and I'm  
 23 confident that that will be an area of priority for the  
 24 new Executive that has just been formed.  
 25 **LADY HALLETT:** Thank you very much. I think we'll have to  
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1 leave it there, Mr Stern, thank you.  
 2 **MR STERN:** Thank you, my Lady.  
 3 **LADY HALLETT:** Thank you both very much indeed. I hope you  
 4 didn't mind doing it jointly, but it did seem to be  
 5 a good idea, given you had the continuity between you.  
 6 **MS NÍ CHUILÍN:** Thank you.  
 7 **MS HARGEY:** Thank you.  
 8 **(The witnesses withdrew)**  
 9 **LADY HALLETT:** Thank you, 10 o'clock tomorrow.  
 10 **(4.26 pm)**  
 11 **(The hearing adjourned until 10 am**  
 12 **on Thursday, 9 May 2024)**  
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