

Tuesday, 14 May 2024

1  
2 (10.00 am)  
3 **MS DOBBIN:** My Lady, I think, sorry, before the witness is  
4 sworn, there was a couple of small housekeeping matters.  
5 Should I deal with those first?  
6 **LADY HALLETT:** Well, as the First Minister is standing up,  
7 carry on.  
8 **MS MICHELLE O'NEILL (affirmed)**  
9 **LADY HALLETT:** Thank you, and thank you for coming to help  
10 again.  
11 **THE WITNESS:** Good morning.  
12 **LADY HALLETT:** Ms Dobbin, housekeeping.  
13 **Housekeeping**  
14 **MS DOBBIN:** My Lady, if I deal with those two small  
15 housekeeping matters. First of all, you might recollect  
16 last week that you weren't able to hear evidence from  
17 Mr Conor Murphy, and that was pending the results of  
18 some medical tests, and I said on behalf of the Inquiry  
19 that we would revisit this with you.  
20 The Inquiry's received an update from Mr Murphy's  
21 legal representatives and a copy of a doctor's letter,  
22 and by this update the Inquiry has been informed that  
23 he's undergone further medical treatment and that he's  
24 been advised that he should rest for two weeks pending  
25 further advice.

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1 tomorrow. I think that has been rectified on the public  
2 timetable that's published on the website, but I thought  
3 it was important this morning just to draw that to your  
4 attention, that there had been that omission but that he  
5 will be appearing tomorrow.  
6 **LADY HALLETT:** I think it's in the afternoon slot.  
7 **MS DOBBIN:** That's correct, my Lady. He is scheduled for  
8 after Baroness Foster.  
9 **LADY HALLETT:** Thank you.  
10 **MS DOBBIN:** My Lady, may I call the only witness for today.  
11 **Questions from LEAD COUNSEL TO THE INQUIRY for MODULE 2C**  
12 **MS DOBBIN:** Can I ask you to give your full name to  
13 the Inquiry, please.  
14 **A.** Michelle O'Neill.  
15 **Q.** Ms O'Neill, you ought to have two witness statements in  
16 front of you. I think you should have a first witness  
17 statement, that you signed on 12 March 2024, and I think  
18 you signed that statement at page 106.  
19 **A.** That's correct.  
20 **Q.** Are you content that that statement is true to the best  
21 of your knowledge and belief?  
22 **A.** Yes, I am.  
23 **Q.** You ought to have a much shorter second statement in  
24 front of you, which you signed on 15 March 2024, signed  
25 at page 10?

3

1 So we wanted to update you that that was the  
2 position, and seek your agreement that we could inform  
3 Mr Murphy that, in these circumstances, he would be  
4 excused attending this public hearing to give evidence.  
5 If you were agreeable to that course, we would  
6 respectfully request that his witness statement is  
7 published on the Inquiry website after this hearing has  
8 concluded, and we'll give some thought, again on behalf  
9 of the Inquiry, to whether he might be asked to give  
10 evidence at some point in the future, or consider  
11 whether or not his statement -- of course with other  
12 evidence that you've heard in Module 2C --  
13 satisfactorily covers the issues that the Inquiry would  
14 have investigated or asked Mr Murphy questions about.  
15 I think the first issue is whether or not you're  
16 content to adopt that course.  
17 **LADY HALLETT:** I am, thank you, Ms Dobbin. We'll come back  
18 to whether or not we need to hear from Mr Murphy at  
19 a later date.  
20 **MS DOBBIN:** The second matter that arises is that when  
21 the Inquiry published the timetable, I think it was the  
22 timetable for this week, it omitted to mention or to  
23 specify when former Assistant Chief Constable Todd would  
24 be giving evidence. It was always intended that he give  
25 evidence but he was missed for the timetable for

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1 **A.** Yes, that's correct.  
2 **Q.** Again, Ms O'Neill, are you content that that witness  
3 statement is true to the best of your knowledge and  
4 belief?  
5 **A.** Yes, that's correct.  
6 **Q.** Ms O'Neill, turning first, then, if I may, to your  
7 background, I think it's right that you've been a member  
8 of the Legislative Assembly for the Mid Ulster  
9 constituency since 2007; is that correct?  
10 **A.** Yes.  
11 **Q.** During that time, you were Minister for Agriculture and  
12 Rural Development for a period?  
13 **A.** Correct.  
14 **Q.** And you were also the Minister of Health for a period  
15 between May 2016 and March 2017 --  
16 **A.** That's right.  
17 **Q.** -- is that also correct?  
18 You were the deputy First Minister from 11 January  
19 to 4 February 2022?  
20 **A.** That's correct.  
21 **Q.** So you were in position for the period of time that this  
22 Inquiry is most concerned with; correct?  
23 **A.** Yes, that's right.  
24 **Q.** It's also right to say that, since the resumption of  
25 power-sharing just a short time ago, you're now the

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1 First Minister for Northern Ireland; correct?  
 2 **A.** I am, indeed.  
 3 **Q.** I think in addition to all of that, it's right that you  
 4 remain the vice president of the Sinn Féin party as  
 5 well; is that also correct?  
 6 **A.** That's correct.  
 7 **Q.** Is that a national role, Ms O'Neill?  
 8 **A.** It is.  
 9 **Q.** Sorry, when I say that, is it a role in Northern Ireland  
 10 and the Republic of Ireland or is it just in respect of  
 11 the North --  
 12 **A.** Across the island of Ireland.  
 13 **Q.** Thank you.  
 14 Turning then to the period that this Inquiry is most  
 15 concerned with, you were the joint head of government in  
 16 Northern Ireland; correct?  
 17 **A.** That's correct.  
 18 **Q.** You were jointly responsible for leading the response of  
 19 the government in Northern Ireland to the pandemic --  
 20 **A.** That's correct.  
 21 **Q.** -- correct?  
 22 And leading is the critical descriptor, isn't it?  
 23 You weren't just a convener of the Executive Committee  
 24 or an administrator of that committee, you were a leader  
 25 of ministers; correct?

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1 that, if that's okay?  
 2 **Q.** Yes.  
 3 **A.** The backdrop to the Assembly and Executive being  
 4 restored was public services being decimated with  
 5 ten years of austerity cuts, a health service on its  
 6 knees. We didn't have functioning government for  
 7 three years prior to that.  
 8 Ministers were just back around the Executive table  
 9 on 11 January, just a short number of weeks before the  
 10 pandemic really took hold, and I believe the public were  
 11 best served by having locally elected ministers around  
 12 the Executive table, albeit -- and I know we'll  
 13 interrogate this throughout the course of today -- not  
 14 always perfect, but I do believe that every Executive  
 15 party around that table were there to do their best,  
 16 they were there to save lives, they were there to work  
 17 together as best we could, and they were to deal with an  
 18 unprecedented global pandemic that none of us had ever  
 19 experienced before.  
 20 Even though there were varying degrees of experience  
 21 within the Executive itself, I think it's fair to say  
 22 that no government had faced this type of global  
 23 emergency before and we were all in new territory, but  
 24 I genuinely believe that the public here were best  
 25 served by having those locally elected ministers in

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1 **A.** A leader of the Executive in our particularly unique  
 2 circumstance of government, yes.  
 3 **Q.** But you were of a leader of ministers --  
 4 **A.** A leader of the Exec, yes.  
 5 **Q.** When it came to the pandemic, you were leading  
 6 a response which goes to the most solemn of all  
 7 government responsibilities, weren't you?  
 8 **A.** That's correct.  
 9 **Q.** That of the protection of the people in  
 10 Northern Ireland.  
 11 **A.** Yes.  
 12 **Q.** And do you accept that?  
 13 **A.** Yes.  
 14 **Q.** And do you accept that leadership involves inculcating  
 15 the ethos and the values that you would wish other  
 16 ministers to display as well?  
 17 **A.** Yes.  
 18 **Q.** And do you accept that that's all the more so during  
 19 a period of national emergency or during a pandemic?  
 20 **A.** Of course.  
 21 **Q.** And do you consider that you and the ministers of  
 22 Northern Ireland provided the leadership to the people  
 23 of Northern Ireland that they deserved during the  
 24 pandemic?  
 25 **A.** Yes, I do. And if you want I'll elaborate further on

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1 place.  
 2 **Q.** Well, the question wasn't about whether or not they were  
 3 best served, Ms O'Neill, it was whether or not you and  
 4 the ministers of Northern Ireland provided people in  
 5 Northern Ireland with the leadership that they deserved.  
 6 That was the question.  
 7 **A.** Yes, I believe that we did.  
 8 **Q.** And do you think that you provided them with the  
 9 leadership that they deserved during the pandemic?  
 10 **A.** Yes, I do.  
 11 **Q.** Perhaps we'll look at that a little bit more closely,  
 12 Ms O'Neill.  
 13 I was going to start, if I may, with some messages  
 14 between you and Baroness Foster from 21 March. Perhaps  
 15 if I could ask for those to be brought up on screen.  
 16 That's INQ000400592.  
 17 It's 21 March, Ms O'Neill, and do you agree that the  
 18 pandemic or the threat that Northern Ireland faced had  
 19 crystallised by this point, and that things were in  
 20 a very difficult position?  
 21 **A.** Yes, I do, by 21 March, yes.  
 22 **Q.** I think that we can see here that Baroness Foster was  
 23 accusing you of having publicly undermined the health  
 24 minister, pointing out that if you wanted to effect  
 25 a change in policy, you were going about it completely

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1 the wrong way, that you were playing politics when  
2 things were much too serious, and that it was hugely  
3 disappointing. But she says "unfortunately I'm not  
4 surprised"; correct?

5 **A.** That's her statement, yes.

6 **Q.** And you go on to say:

7 "It's too serious to tolerate incompetence. Things  
8 are too slow. Lives will be lost. Start listening."

9 Yes?

10 **A.** Yes.

11 **Q.** And Baroness Foster goes on to say:

12 "I hope you are not calling two of your ministerial  
13 colleagues incompetent. Naomi and Robin have both  
14 raised concerns about your behaviour. You need to be  
15 more collegiate."

16 Yes?

17 **A.** Yes.

18 **Q.** Then you go on to say:

19 "The department is not serving Robin well. We are  
20 not being served well by the civil service."

21 Yes?

22 **A.** Yes.

23 **Q.** And you go on to say:

24 "Our nurses are crying out for help to do their  
25 jobs."

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1 The allegation of playing politics, that is something,  
2 isn't it, that we see throughout the course of 2020 and  
3 into 2021 by you and your colleagues? Do you agree?

4 **A.** As in all of the Executive colleagues?

5 **Q.** A number of you, of your Executive colleagues, including  
6 you, at points in time throughout 2020 played politics,  
7 do you --

8 **A.** No, I absolutely refute that. I don't accept that  
9 I played politics. I accept that the severity of the  
10 situation reflected my attention, the severity of the  
11 situation in terms of trying to find consensus around  
12 an Executive table around an issue which was so serious,  
13 such as school closures, meant that I tried my very best  
14 to try to find that consensus within the Executive.  
15 That was not forthcoming, and the issue is far too  
16 serious to sit back and say nothing.

17 **Q.** All right. Well, I'm not just talking about the school  
18 closures, Ms O'Neill, but we'll examine how a number of  
19 difficult issues were dealt with by you and your  
20 colleagues.

21 But just coming back to what this exchange might  
22 encapsulate, does it not also encapsulate dysfunction,  
23 that this was the way that you and Baroness Foster  
24 communicated with each other about these most serious of  
25 issues, that it's reduced to this kind of WhatsApp

11

1 Yes?

2 **A.** Yes.

3 **Q.** That can be taken down, thank you.

4 We see in embryonic form, don't we, in that  
5 exchange, Ms O'Neill, a number of the issues that played  
6 out during the pandemic; do you agree?

7 **A.** I think that, yes, I think it reflects the difficulty  
8 that that we were facing, I suppose the scale of the  
9 challenge that we were facing, the difficulties that we  
10 had internally within the system, and that particular  
11 period is reflecting the aftermath of the issue around  
12 school closures, and the discussions that we had around  
13 how we were served in terms of the legal -- or the  
14 medical advice that we were receiving.

15 I don't think it reflects -- whilst it -- I don't  
16 think it reflects probably any difference that probably  
17 most governments around the world would have been  
18 experiencing in terms of how they thought that we should  
19 deal with the pandemic, and, given the uncertainty and  
20 the unprecedented nature of it, I would imagine that  
21 these were not unique to ourselves in terms of how we  
22 were trying to manage and get through it. But that  
23 particular exchange is in the context to a particular  
24 issue of school closures.

25 **Q.** I think I meant something rather different, Ms O'Neill.

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1 conversation between you?

2 **A.** Of course these -- this was a conversation between  
3 ourselves not supposed to be played out in public. It  
4 expresses the difficulty that we were having at that  
5 time, and at different times throughout the pandemic we  
6 had a difference of approach. That's not politicking;  
7 that's about what's the right way and what's the wrong  
8 way. And in my opinion at that time, the approach being  
9 adopted -- and I think that some of the minutes of  
10 previous exchanges between CMO, the head of the Civil  
11 Service, et cetera, they were pushing back in terms of  
12 what I was advocating, which was for us to act faster,  
13 and felt that we were overreaching into health. And  
14 I think the First Minister then got behind that approach  
15 also, and that then led to that difficulty.

16 **Q.** Yes. I meant rather more the nature of the conversation  
17 or the discourse between you conveyed in these messages;  
18 it's hardly mature discussion between two leaders,  
19 is it?

20 **A.** It was the nature of the difficulty of the circumstance,  
21 Arlene and I probably agreed on quite a lot of things  
22 throughout the pandemic. This demonstrates one exchange  
23 at one point in time. And, as I said, I refute the  
24 allegation of playing politics; this was about saving  
25 lives and what I thought was the right thing to do.

12

1 **Q.** And does that explain your lack of collectivity at this  
2 point, the fact that you were speaking out against other  
3 ministers, again, at this crucial and sensitive period  
4 for Northern Ireland?

5 **A.** Well, if you may, I'd like to put it in some context.  
6 The pandemic was rapidly developing, people were  
7 watching the unfolding scenes across the world,  
8 internationally, what was happening in China, Italy and  
9 elsewhere. We're in mid-March at this stage, people are  
10 very alarmed. People are watching the approach of the  
11 British Government in London. At this stage we've had  
12 Cheltenham go ahead, we've had an Atlético Madrid game,  
13 soccer game go ahead, large crowds were gathering.  
14 People had made up their own mind that the Boris Johnson  
15 government approach was too slow, it was incongruous to  
16 what the WHO were advocating, what ECDC were advocating.

17 And at that very same time we also had a situation  
18 where school closures had happened in the other part of  
19 this island, in the South, and parents couldn't  
20 understand what the difference was. And I tried to  
21 interrogate the difference in approach, but I couldn't  
22 be satisfied that the approach that was being advocated,  
23 because our CMO was absolutely following the approach of  
24 SAGE and the advice that was coming from London.

To me, it was fundamentally flawed. I tried to

13

1 changed to when I advocated that position --

2 **Q.** Ms O'Neill --

3 **A.** -- previous.

4 **Q.** Forgive me, I didn't mean to speak over you. I am  
5 actually going to come back and look over --

6 **A.** Sure.

7 **Q.** -- all of this in much more detail about what was being  
8 said at that point in time, so I didn't want to cut you  
9 off because we are going to come back to it and deal  
10 with it in more detail. I just wanted to focus on the  
11 themes perhaps --

12 **A.** Sure.

13 **Q.** -- that might be seen, as I've said, in embryo in those  
14 exchanges.

15 But blaming others, that's something that you've  
16 done throughout your witness statement, isn't it?  
17 I mean your second witness statement to this Inquiry.  
18 The constant theme throughout it, do you agree, is that  
19 you blame the UK Government for the slowness of its  
20 approach in the initial stages of the pandemic; do you  
21 agree?

22 **A.** I don't accept that I blame others throughout the  
23 statement. I accept that I point out where I think  
24 things were wrong, and in particular I do believe that  
25 my position's vindicated in terms of the fact that

15

1 interrogate that. I tried to get the right decision in  
2 the Executive. And I know that you yourself have  
3 interrogated some of that evidence, particularly in  
4 relation to the push-back that I got from the head of  
5 the Civil Service, that I was moving ahead of the  
6 science, the push-back that we got from the CMO and the  
7 health minister to say that this was not the right time  
8 to move.

9 **Q.** If I could --

10 **A.** But we had --

11 **Q.** Sorry.

12 **A.** If I could finish just briefly.

13 But we also were in danger of losing the room.  
14 People were voting with their feet, parents had already  
15 chosen to take their children out of school, the  
16 Catholic bishops had come out and asked schools to  
17 close, the public confidence in our ability to lead from  
18 that very, you know, early time was being diminished and  
19 I was trying to recapture that.

20 Is it ideal to do it outside of the Executive? No,  
21 it's not. Preferably, as I did, I tried to change the  
22 position from within. Unfortunately that wasn't the  
23 case, and within a matter of two days the  
24 British Government changed their approach and the CMO  
25 then changed the approach and advice here. Nothing had

14

1 Boris Johnson and his government were too slow to act at  
2 the start of the pandemic.

3 **Q.** I just want to go, if I can, please, to your 12 March  
4 statement. If we could go, please, to page 98 and to  
5 paragraph 383.

6 I'm just going to take this from the outset,  
7 Ms O'Neill, what you've set out there, that:

8 "It is also a reality that as the pandemic  
9 progressed, the approach of the Tory Government to the  
10 pandemic was not consistent with the approach taken by  
11 the Executive. As I have acknowledged we were at the  
12 start largely aligned with the UK for the reasons I have  
13 explained, but as the pandemic progressed, we did adopt  
14 a more localised response which responded to the  
15 realities of the pandemic in the North. The approach of  
16 the Tory Government to the pandemic is in many ways,  
17 epitomised by the evidence which has emerged of the  
18 partying in No. 10 Downing Street, in breach of the  
19 Regulations introduced to protect the public from the  
20 pandemic. Staff parties of the type which are now a  
21 matter of public knowledge did not occur in our local  
22 context and would frankly, have been unthinkable.  
23 I believe it is emblematic of the failure to the Johnson  
24 administration to appropriately engage with and respond  
25 to the gravity of the pandemic its impact on the lives

16

1 of those we are elected to represent."  
 2 Ms O'Neill, there's no reflection, I don't think,  
 3 nor any insight in your witness statement about any of  
 4 the hurt or any of the problems that you caused by  
 5 attending the funeral of Mr Storey; do you agree?  
 6 **A.** I think I have addressed that in my statement and in  
 7 previous statements, but if you -- if you'll allow me,  
 8 I'd be happy to address it right now.  
 9 **Q.** Certainly.  
 10 **A.** Sure, thank you, and maybe even perhaps to go directly  
 11 to the families, because it's those people that have  
 12 been impacted by my actions and if that's okay I would  
 13 like to address them.  
 14 **Q.** I'm afraid, Ms O'Neill, you're here to give evidence,  
 15 not to address people. I think you need to give your  
 16 evidence --  
 17 **LADY HALLETT:** You are in fact addressing me.  
 18 **A.** Okay, sorry, my Lady.  
 19 I have to say upfront, and I do want to direct, I'm  
 20 glad that we're actually able to speak about this so  
 21 early on in the evidence, because there is no doubt that  
 22 the families themselves have been through an experience  
 23 that there is no coming back from. It's been absolutely  
 24 horrendous. And to lose loved ones in a way in which  
 25 they have has been just absolutely horrendous.

17

1 "... online streaming, watched by 250,000 people".  
 2 If I go down that a little bit:  
 3 "People entitled to view."  
 4 "People vote with feet."  
 5 "... applause along the [Andersonstown] Road ..."  
 6 "No dilution in my mind of public message ..."  
 7 "No offence intended."  
 8 If we go on, please, to look at page 7, Mr Murphy's  
 9 not been able to give evidence, but in terms of what he  
 10 said:  
 11 "Rules relaxed -- not same circumstances ..."  
 12 technicalities."  
 13 He sets out a bit about his attendance, and then  
 14 over the page:  
 15 "People can say what they want to say -- entitled to  
 16 opinion, I am entitled to be sceptical."  
 17 You were entirely unapologetic on 2 July, weren't  
 18 you?  
 19 **A.** So I think that I have reflected there, I think I would  
 20 go further than what I said in that minute, it was  
 21 immediately after the funeral itself, and I think what  
 22 I've said there in terms of not diluting the public  
 23 message, that was wrong, because clearly I did, and  
 24 I have acknowledged that, and equally I've worked every  
 25 day ever since to regain public confidence and trust.

19

1 I have met some of the families individually,  
 2 I have, equally, listened to some of the testimony  
 3 from -- or the testimony that was offered at the start  
 4 of the Inquiry, and no family should ever have to go  
 5 through what these families have went through.  
 6 I also know equally that my actions compounded the  
 7 hurt and that horrible experience that those families  
 8 have went through. I also know that my actions also  
 9 angered the families, and for that I am truly sorry.  
 10 I am sorry for going and I'm sorry for the hurt that has  
 11 been caused after that, and I want to make that  
 12 statement very clear on the record again today.  
 13 **LADY HALLETT:** Did you realise at the time the hurt and  
 14 anger that going to the funeral would cause?  
 15 **A.** I didn't, but I ought to have.  
 16 **MS DOBBIN:** Could we bring up on screen, please,  
 17 INQ000474208, please.  
 18 These are the minutes of the meeting that took place  
 19 after the funeral with your Executive colleagues, and  
 20 you addressed them at, well, from the bottom of page 1.  
 21 If we go over the page, I think you invite your  
 22 colleagues to divorce their views of Mr Storey from your  
 23 actions, that you were invited by the family, that you  
 24 were honoured to do so:  
 25 "Huge figure, knew thousands [would] wish to attend.

18

1 I think I took every opportunity that I had in terms  
 2 of the aftermath in both the Assembly Chamber, in front  
 3 of the scrutiny committee, I've said it publicly on  
 4 a number of occasions about how sorry I am, and I am  
 5 absolutely from the bottom of my heart sorry, because  
 6 I would never, ever, set out to hurt people.  
 7 **LADY HALLETT:** Can I just ask, in relation to your witness  
 8 statement, when you made your witness statement, you  
 9 made the criticisms of Boris Johnson's government and  
 10 the allegations of partying in Downing Street; wasn't  
 11 that a bit hypocritical, knowing what you knew by the  
 12 time you made that statement?  
 13 **A.** I don't think so, because they're two very different  
 14 things in terms of the Boris Johnson approach of  
 15 partying the whole way through the pandemic, and  
 16 drinking their way through it, to be quite blunt.  
 17 **LADY HALLETT:** We didn't find out about the partying until  
 18 after the pandemic. What you did was to do something  
 19 that the bereaved couldn't do, the normal bereaved  
 20 couldn't do, because you wanted to go to a friend's  
 21 funeral. Isn't that then saying that what  
 22 Boris Johnson's government did was wrong a bit  
 23 hypocritical?  
 24 **A.** No, I don't think so, because what I did I did under the  
 25 understanding of the regulations at that time, and

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1 I know we don't want to open that up, my Lady, but  
 2 I have answered to that, but I do accept wholeheartedly  
 3 that I in some way damaged our Executive relations with  
 4 colleagues who had been working very hard with me the  
 5 whole way through. I also accept wholeheartedly that  
 6 I damaged the public health messaging, and I had work to  
 7 do to regain that. But I did that, I worked hard to  
 8 regain that trust and confidence and to lead us for the  
 9 next year and half through the pandemic.

10 **LADY HALLETT:** Sorry, the only reason I'm pressing you on  
 11 the statement is, the point of principle is that those  
 12 who set the rules should obey the rules both in spirit  
 13 and in the letter. That's really the point I'm making.

14 **A.** Yeah, and I should have anticipated the outworking of  
 15 what I did.

16 **LADY HALLETT:** Sorry to interrupt.

17 **MS DOBBIN:** Was it really that difficult to anticipate the  
 18 outworking of what you did, Ms O'Neill?

19 **A.** It was insofar as I -- as far as I was concerned on  
 20 a personal invite attending a cortege of 30 people. And  
 21 I tried not to open this up, but just -- that's the  
 22 basis on which I attended.

23 But I've fully -- I've said it, I'm sorry. I'm  
 24 sorry for what -- that I should have, you know,  
 25 anticipated the fallout, I should have anticipated what

21

1 decisions to take and I worked day and night to get us  
 2 through this pandemic.

3 So apart from this one time I do believe that my  
 4 leadership was strong throughout the pandemic.

5 **Q.** Let's examine that.

6 I wanted to start and I wanted to go really to  
 7 the -- those first months of the pandemic in order to  
 8 understand what government in Northern Ireland was doing  
 9 to respond, and I wanted to start with what you say  
 10 about this in your witness statement, please, and if we  
 11 could go, please, to page 9, paragraph 29.

12 I'm going to paragraph 29 just to orientate us in  
 13 time. So this was 25 February. I will come back to  
 14 that strategic review, Ms O'Neill, but just looking at  
 15 paragraph 30 and what you say there:

16 "At this time ..."

17 So that's the time period that you're talking about:

18 "... the Department of Health remained the lead  
 19 department in responding to the predicted global  
 20 pandemic. TEO staff had formally stood up CCG [and I am  
 21 going to come back to that] and were involved in  
 22 official level meetings ... from 20 February ..."

23 Then you set out a submission that you received, and  
 24 I'm going to go to that, but you say this:

25 "The CCG structures were still operating at an

23

1 would happen in the aftermath. And that is why I have  
 2 worked hard to try to regain that confidence and trust.

3 And equally, and more importantly, I think it's  
 4 about all of the families bereaved and people who went  
 5 through a horrific circumstance and the experience that  
 6 they've had, it's just horrendous, and I would never,  
 7 never set out to try to compound that or in any way make  
 8 it more difficult for them to deal with their grief.

9 **Q.** One of the first questions I asked you was whether or  
 10 not people from Northern Ireland got the leadership they  
 11 deserved from you. How can you maintain that they did  
 12 in light of what you've just accepted?

13 **A.** Because I didn't say that everything was perfect all of  
 14 the time, I do believe that I did lead from the front  
 15 the whole way through the pandemic, as did all of my  
 16 Executive colleagues. We've had difficulties, we've had  
 17 challenging times, we worked through very difficult  
 18 times which I'm sure you'll want to speak about, but  
 19 I do believe that I led the whole way through, albeit  
 20 I put my hands up in terms of the funeral itself and how  
 21 I shouldn't have done that because that took away from  
 22 all of the work that I had put into trying to lead us  
 23 through the pandemic, which was hard on everybody right  
 24 across society. We were faced as an Executive with  
 25 hugely difficult, challenging positions to take,

22

1 official level as Department of Health officials had not  
 2 yet activated NICCMA arrangements in line with  
 3 established civil contingency protocols. At this point  
 4 in time, and as the civil contingency arrangements were  
 5 still operating at a preparatory and official level, the  
 6 Executive Committee had no direct role in overseeing the  
 7 response. However, ministers were being briefed and  
 8 were ready to step in as and when ... needed."

9 I think a number of points arise from paragraph 30.

10 First of all, it wasn't for Department of Health  
 11 officials to activate NICCMA, was it?

12 **A.** Well, I believe it was, because they were in terms of  
 13 the lead department and all correspondence that we'd  
 14 received to that point made it very clear that Health  
 15 were the lead department and I also believe that some of  
 16 the information you've explored points to the fact that  
 17 Health were resisting NICCMA being stood up and hadn't  
 18 indicated that we were at the stage yet where that would  
 19 be helpful.

20 **Q.** I'm going to take this one step at a time --

21 **A.** Sure.

22 **Q.** -- and I am going to perhaps base your answers on what  
 23 you understood at the time as opposed to evidence that  
 24 you've heard in this Inquiry.

25 Looking at what you've said:

24

1 "The ... structures were still operating at an  
2 official level as Department of Health officials had not  
3 yet activated NICCMA arrangements."

4 Are you familiar with the 2016 protocol for civil  
5 contingencies arrangements in Northern Ireland?

6 **A.** Yes, I am.

7 **Q.** Then you will know that it was completely within your  
8 powers or those of the Executive Office to be able to  
9 activate those arrangements; do you agree?

10 **A.** Well, I think again, in context, I think we have to be  
11 very clear that all advice was very clear and we --  
12 remember, we have no other specialised advice, it all  
13 sat within the Department of Health, we were told by the  
14 head of the Civil Service, by everybody that we engaged  
15 with, any correspondence we had, that Health were the  
16 lead department and that at that point they were leading  
17 the charge, if you like, in terms of our response.

18 It's only slightly further down past the February  
19 date towards the end of February where it starts to  
20 become very clear that we need to move towards the  
21 NICCMA arrangements being stood up, and I think that --  
22 forgive me, but it's hard not to reflect on some of the  
23 evidence that you have referred to throughout the course  
24 of the Inquiry -- it's very clear that we were being  
25 resisted in terms of setting up NICCMA because Health

25

1 the lead and would indicate to us whenever they needed  
2 to move beyond the Health alone front and move into that  
3 wider civil contingencies space.

4 **Q.** Can you help me as to when you were advised -- and I'm  
5 talking about a point in time when you were advised by  
6 the Department of Health that you shouldn't set up the  
7 civil contingencies arrangements or that they weren't  
8 required?

9 **A.** I will have to just check the date, but I'm very clear  
10 that from very early on that we were being told from  
11 15 -- sorry, from 30 January, from Bernie Rooney, to  
12 TEO, that Health were in the lead. We were being told  
13 on 15 February that Health were in the lead. We were  
14 told on 3 March from the Civil Contingencies Policy  
15 Branch that Health were in the lead. So we had no  
16 reason to go counter to that at that stage.

17 However, by 3 March it was becoming clear that it  
18 needed to be much wider than a Health response, and  
19 I think that's where you can start to see the change in  
20 terms of pace and the work that was done across civil  
21 contingencies.

22 **Q.** Just because Health were in the lead, that didn't negate  
23 the fact that you and the First Minister were the joint  
24 leaders of the Northern Ireland Government; do you  
25 agree?

27

1 were the lead department. However, I do think that on  
2 reflection that it's very clear that, given the  
3 resistance that we had from Health, because they felt  
4 that perhaps we were overreaching or interfering in  
5 their area of work, that there needs to be -- the  
6 ability to stand up NICCMA earlier perhaps could have  
7 been much more beneficial in terms of other departments  
8 being able to come together in a more unified way early  
9 on, or earlier on.

10 **Q.** I'm not quite at the point of asking for reflection,  
11 Ms O'Neill. Do you accept that under the 2016  
12 arrangements you had the power, you and the  
13 First Minister had the power to stand up the central or  
14 the civil contingencies arrangements for  
15 Northern Ireland Government?

16 **A.** Well, I think it's a matter of fact that, yes, we could  
17 have, but it's also equally a matter of fact that  
18 Department of Health were in the lead and advising  
19 against it. I had no other alternative view, and  
20 officials weren't bringing forward recommendations as to  
21 that we should, this is the advice from officials that  
22 we should move forward with this at this time. I think  
23 there was a roundly accepted view within the system and  
24 the Civil Service that Health were in the lead and it  
25 was the understanding of ourselves that Health was in

26

1 **A.** It was a health pandemic, and we were being very much  
2 guided by Health, and there are times when you can see  
3 that Chief Medical Officer's advice was that they didn't  
4 need the NICCMA structures, that it would actually  
5 interfere with the work that they were doing, and I had  
6 no other advice to counter that, and that was the  
7 difficulty.

8 **Q.** I think it must have been very apparent to you early on,  
9 Ms O'Neill, that this was more than a health pandemic,  
10 and that it would raise serious issues for the whole of  
11 Northern Ireland?

12 **A.** It of course became increasingly clear that it was going  
13 to become much wider, but we were only in the Executive  
14 from the middle of January, we were getting briefed from  
15 the head of the Civil Service, we had these developments  
16 that I've just referred to over the course of  
17 those weeks, so it was becoming increasingly clear, of  
18 course, over time, that we needed that wider structure,  
19 which is why we moved to that point in early March.

20 **Q.** Can you help us, then, with what you also say at  
21 paragraph 30:

22 "... the Executive Committee had no direct role in  
23 overseeing the response."

24 **A.** Yeah, it's --

25 **Q.** Sorry, first of all, is that up and until 20 February?

28

1 A. Yes --

2 Q. It had --

3 A. -- because it was being led by the Department of Health.

4 Q. So, again, is your evidence to this Inquiry that you and

5 the Executive Committee had effectively left this to the

6 Department of Health?

7 A. Absolutely not.

8 Q. You had no responsibility for it?

9 A. No, no, I didn't say that. What I'm referring to is

10 that the Department of Health were the lead department

11 in terms of preparedness. We were being told that in

12 all of our advice and all of our exchanges that we had

13 with either the HOCS or the Department of Health itself,

14 the minister or CMO.

15 What was very clear is that they were in the lead,

16 and despite, at different times, us asking for what else

17 we needed to be doing in terms of that wider

18 cross-departmental response, the view of Health was that

19 it was too soon, it would interrupt their work. And

20 I had no other advice to counter that, so that was the

21 difficulty that we had.

22 However, it's just beyond this time that I think

23 that you can start to see the pace of things change in

24 terms of the standing up of the civil contingencies.

25 Q. I want to just stick with this for a moment. The

29

1 until 20 February?

2 A. I think you've explored some of the unique nature,

3 my Lady, of our political apparatus and how we're

4 established. We're a product of a peace agreement in

5 1998. We have a very siloed mentality, departmental

6 structure. There are -- there is ministerial autonomy

7 in terms of what a minister can do. There is legalities

8 around overreaching into other ministers'

9 responsibilities.

10 And I think you too have expressed some concern

11 about -- and on reflection and having come through the

12 pandemic, I share this view -- that there needs to be

13 some sort of emergency ability to step in and change

14 that structure, at least temporarily for the period of

15 a pandemic or another unpredicted circumstance such as

16 that, because, as has been explained, the Executive

17 Office and the role of First Minister and deputy First

18 Minister also has a co-ordinating role for the

19 Executive.

20 The problem is that you cannot direct other

21 ministers to do certain things. Even the head of the

22 Civil Service, because of the unique circumstance, can't

23 direct other permanent secretaries to do certain things.

24 So that makes, I think, the response to a pandemic or

25 some other circumstances quite difficult in terms of our

31

1 Executive Committee had no direct role in overseeing the

2 response; you must accept though that the Executive

3 Committee had direct responsibility for overseeing the

4 response?

5 A. Yeah, I think that it's important again to say that all

6 the advice that we were given, both myself and Arlene,

7 was that the Department of Health were in the lead and

8 that we shouldn't disrupt the work that they were doing.

9 That being said, at this stage we had been briefed,

10 on 3 February. I think 10 February we were continually

11 engaged with the preparedness work and what was actually

12 happening. We were having conversations with Health and

13 with the head of the Civil Service. But very clearly,

14 shortly after that time, that's whenever civil

15 contingencies kicked in.

16 Q. I think the question permits of a yes or no answer: did

17 the Executive Committee have responsibility for the

18 response to the pandemic up and until 20 February?

19 A. The Executive Committee -- it was the Department of

20 Health who were in the lead.

21 Q. That's not an answer. They may have been in the lead --

22 A. Then, no, the Department of Health were in the lead.

23 Q. Are you saying that the Executive Committee did not have

24 responsibility, the overarching responsibility,

25 Ms O'Neill, for the response to the pandemic up and

30

1 own system of governance.

2 So I just wanted to put that in that context.

3 Q. I think we understand that, Ms O'Neill, and I think

4 the Inquiry has seen evidence that the way departments

5 operate and their legal position may cause this siloing

6 or compartmentalisation. But that's not really the

7 question that I'm asking you. I think the question

8 that's being asked is a far, far more fundamental one,

9 and it's whether or not you accept that there was

10 a collective responsibility, which you were leading, for

11 the response to the pandemic up and until 20 February?

12 A. Well, let me say of course I accept that we have

13 a collective responsibility to lead and to get us

14 through the pandemic, but at this point, up until this

15 time, the Department of Health were the lead department,

16 operating all the preparatory work, responding to the

17 pandemic, as they were instructed by SAGE in terms of

18 the influenza approach. They were very, very much in

19 the lead.

20 However, at this stage also, CCG staff had been

21 working to start to co-ordinate that work across

22 departmental, and then it came to the attention of

23 ourselves, myself and Arlene, in the briefing of

24 3 March, that that was the time in which we had to

25 officially kick in, and that's where we became the

32



1 holder, if you like, of the direction of overseeing the  
 2 response.

3 **Q.** I think you have accepted, somewhere in that answer,  
 4 that there was responsibility. But just coming back to  
 5 your repeated reference to the fact that the Department  
 6 of Health were the lead department, again, just to be  
 7 clear about this, to make sure that we're proceeding on  
 8 a common understanding, the fact that there's a lead  
 9 department in a response to a national emergency, it  
 10 does not obviate, does it, the responsibility, the  
 11 collective responsibility, that the Executive Committee  
 12 had for the response to the pandemic?

13 **A.** No, I think that that's correct, insofar as the  
 14 Department of Health were in the lead, but at the right  
 15 juncture, after we'd been receiving considerable  
 16 push-back, we did take -- get to the point where we had  
 17 CCG stood up and the whole of the Executive was then, in  
 18 terms of the approach to the -- the whole Executive was  
 19 working together in terms of the CCG response.

20 **Q.** But, Ms O'Neill, what about oversight, collective  
 21 oversight of what the Department of Health was doing?  
 22 What about scrutiny? What about seeking detailed plans  
 23 and detailed understanding of what was being done on  
 24 behalf of the people of Northern Ireland in order to  
 25 respond to the pandemic? That was the collective

33

1 reference to the fact that the level of risk was due to  
 2 increase to moderate; yes?

3 **A.** Yes.

4 **Q.** It does go on to say:  
 5 "In practical terms this makes little or no  
 6 difference but rather reflects the increase in spread of  
 7 the virus. Health officials will continue to undertake  
 8 the same precautionary measure and levels of  
 9 preparedness."  
 10 Did you challenge in any way the advice that you  
 11 were being provided with in this briefing to you, or did  
 12 you seek to ascertain what the change in risk signified?

13 **A.** I don't have that absolute recollection, but I would be  
 14 fairly certain that I would have. We would have asked  
 15 questions, no doubt, whenever we receive a submission  
 16 like this, and again I do recall at that point -- again,  
 17 the point being made about the Department of Health  
 18 being the lead, and they continue to take the same  
 19 precautionary measure and level of preparedness.

20 **Q.** Thank you, that can come down.  
 21 And just look at what you were being told the  
 22 current situation was, and look particularly at the  
 23 first two bullet points after 4.  
 24 So we can see that you were being told that it was  
 25 spreading throughout China and globally. We can see

35

1 responsibility, wasn't it?

2 **A.** And that did happen. That happened --

3 **Q.** When did that happen?

4 **A.** That happened from very early on, from our first meeting  
 5 of the health minister on 3 February, I believe is the  
 6 date that he brought it first officially to the  
 7 Executive. Then at every meeting after that is where we  
 8 would have had the opportunity to ask questions, probe  
 9 the information that was coming forward, interrogate the  
 10 advice that was coming forward. And that happened,  
 11 I think -- well, that happened certainly from that  
 12 3 February when it was first brought to the Executive,  
 13 so I suppose that's where the collective conversations  
 14 and approach started to develop.

15 **Q.** I'm glad we've located where that scrutiny took place,  
 16 and we'll obviously go to the minutes and examine that.  
 17 I wanted to go, though, to a briefing that you received.  
 18 If we could bring up, please, INQ000391226.  
 19 This was a briefing that was prepared for you, and  
 20 it was after the first COBR meeting -- or, sorry, it  
 21 wasn't, it was after the second COBR meeting that took  
 22 place in January. Correct?

23 **A.** Yes.

24 **Q.** If we could go over the page, please, thank you, and to  
 25 the next page, please, to paragraph 2, we can see

34

1 that you were being told that it could be asymptomatic,  
 2 and that it could range from a mild illness to  
 3 pneumonia. Correct?

4 **A.** Yes.

5 **Q.** If we go to page 4, paragraph 7, so:  
 6 "... all Devolved Administrations to review  
 7 Reasonable Worst Case Scenario ... pandemic plans for  
 8 preparedness."  
 9 Correct?

10 **A.** Yes.

11 **Q.** If we go, please, to page 7 and paragraph 1, and it's  
 12 the -- yes, thank you.  
 13 It's that paragraph 1 that refers to those who are  
 14 elderly and who have existing health conditions being  
 15 disproportionately affected; yes?

16 **A.** Yes.

17 **Q.** Then it refers to the -- COBR again -- to reasonable  
 18 worst-case scenario planning as set out in slide 9 of  
 19 CRIP2.  
 20 Would you have had the CRIP as well sitting  
 21 alongside these minutes? I think we've heard that they  
 22 were provided to the TEO.

23 **A.** I couldn't -- I couldn't honestly say that we did have  
 24 the CRIP at that stage. I'm fairly certain we would  
 25 have, as an addendum to the paper, but I'm not fully

36

1 certain.

2 **Q.** All right. That can come down, thank you.

3 Do you accept, Ms O'Neill, that by 30 January you

4 had been provided with quite a lot of information that

5 indicated just how serious the picture was becoming

6 about the spread of Covid-19 and the risks that it

7 presented?

8 **A.** By 30 January I was observing for myself what was

9 happening internationally.

10 **Q.** Yes.

11 **A.** By 30 January that's the first official submission that

12 has come in to myself and to the First Minister at the

13 time, and it's from that point that we're engaged,

14 because that was the preamble, if you like, to the

15 health minister then presenting to the first Executive

16 meeting on the 3rd, four days later, and that was what

17 would have informed the briefing that was given. And

18 also it equally informed -- the CMO at that stage then

19 sent a memo out to all departments around that

20 reasonable worst-case scenario planning and influenza

21 planning.

22 **Q.** So did you start to ask questions, then, about what

23 Northern Ireland's reasonable worst-case scenario

24 planning for a pandemic was, and what those plans looked

25 like?

37

1 in Northern Ireland.

2 **A.** So I think because it was so unprecedented and

3 extraordinary times that we were probably all trying to

4 find our way and to ask the relevant and pertinent

5 questions as the situation was being developed. We were

6 told consistently -- the health advice was that we were

7 still in containment phase, that we were told that --

8 the way the risk was referred to there as being

9 moderate. We very much relied on the advice that we

10 were getting from CMO and from Health in terms of the

11 progression. You saw a number of statements that we

12 made to the Assembly Chamber so that elected

13 representatives could be informed in terms of the

14 approach.

15 But I think that when you think back in terms of the

16 Health being the lead, I mean, I think it was

17 understandable for all Executive colleagues to believe

18 that that was the right approach at those early times,

19 because there was no other expertise outside of the

20 Department of Health and because the response was due to

21 be as per influenza planning. I think that it became

22 very clear then, as things developed, that we needed to

23 have that wider systems approach, and I think that's

24 what you see developed whenever myself and the

25 First Minister of that time got together and actually

39

1 **A.** Yes, and we would have been starting to work our way

2 through that, and you can see that being developed

3 throughout the course of the Executive meetings, where

4 we were asking for more of this information to come

5 through.

6 **Q.** So are you talking about the meetings in February that

7 you were scrutinising and asking about those plans?

8 **A.** Yes, so we would have, I believe somewhere around this

9 time, also met with the head of the Civil Service and

10 they would have told us about the civil contingencies

11 work that was happening at official level and supporting

12 Health as the lead department.

13 I mean, I can't emphasise that enough, that was the

14 approach that was taken, and we can all reflect on that.

15 I know you don't want to get into reflections now, but

16 we all will reflect on that, but the Department of

17 Health were very firmly in the lead of the response up

18 until this sort of period where things start to change.

19 **Q.** I think we just, what the Inquiry is really interested

20 in is understanding what planning was actually going on

21 in Northern Ireland in February and what that, in fact,

22 amounted to. And that's just what I want to focus on

23 now, is understanding what you saw in February 2020 that

24 reassured you or provided you with a real understanding

25 of what this reasonable worst-case scenario planning was

38

1 started to bring together that CCG work.

2 **Q.** Sorry, I'm not -- maybe it was the way I asked the

3 question.

4 What did you see in February 2020, what plans did

5 you see, did you scrutinise or interrogate, in order to

6 understand what the reasonable worst-case scenario

7 planning for a pandemic, per the note from Ms Rooney of

8 30 January, amounted to?

9 **A.** I can't recall the exact date, but I will try to provide

10 that to the Inquiry, but we would have had a paper sent

11 to the Executive where we all would have discussed what

12 this potentially could look like, interrogated that with

13 both the health minister and the CMO, we didn't have

14 a Chief Scientific Adviser at that time, but to be

15 helpful to the Inquiry I will certainly find that date.

16 **Q.** I'm talking about plans.

17 **A.** Yes, but the date the plan would have been brought.

18 **Q.** What you understood and what you scrutinised, as had

19 been suggested by COBR --

20 **A.** Yeah.

21 **Q.** -- to understand what the reasonable worst-case scenario

22 plans were across government in Northern Ireland.

23 That's what I'm trying to understand.

24 **A.** But again at that time it was very much a Health lead

25 and it was their influenza plan that was being brought

40

1 forward, and I don't recall at what date that was shared  
 2 with the Executive but I'm happy to try to find that  
 3 out.  
 4 **Q.** Well, what the note of 30 January said was that the  
 5 devolved administrations should review their worst-case  
 6 scenario plans for a pandemic, so there might be  
 7 a Health component to that; yes? But --  
 8 **A.** Our understanding was that it was absolutely  
 9 a Health-led pandemic, so therefore a Health-led plan,  
 10 and that's the difference between what -- we're not like  
 11 Scotland, we're not like Wales, we don't operate in the  
 12 same structure as others do. I don't offer that up to  
 13 try to shirk responsibility, I offer it up as  
 14 a particular reality of the circumstance in which we  
 15 were trying to deal with the pandemic.  
 16 Health had the plan in terms of the reasonable  
 17 worst-case scenario, but then that obviously came across  
 18 into civil contingencies as we move into February.  
 19 **Q.** Right. Well, maybe we'll look at what happened in  
 20 February, then.  
 21 But just to, as it were, set the scene for what was  
 22 going on, Minister Swann, I think, attended five COBRs,  
 23 isn't that right, from 24 January onwards; yes?  
 24 **A.** Yes.  
 25 **Q.** So he attended the COBRs throughout February, not you?

41

1 **Q.** I don't think we have a minute, we certainly haven't  
 2 seen one, for the meeting that I think took place on  
 3 2 or 3 February. That was the first time that the  
 4 Executive Committee met, I think --  
 5 **A.** Yeah.  
 6 **Q.** -- correct? Which would have been very shortly after  
 7 you received that briefing.  
 8 But I think we do have the one for the next meeting,  
 9 which is INQ000065706. I think if we just scroll down,  
 10 please, and scroll down, there we go.  
 11 So this appears to be the update that was given at  
 12 the -- this would have been the second meeting in  
 13 February. I think this was 10 February.  
 14 So by this stage, cases in the United Kingdom,  
 15 correct?  
 16 **A.** Yes.  
 17 **Q.** So, just thinking again about the Rooney note that you  
 18 had been sent at the bottom of -- at the end of February  
 19 about spreading beyond China, it was now pretty much on  
 20 your doorstep; correct?  
 21 **A.** Yes.  
 22 **Q.** If we just scroll down, we see reference there:  
 23 "Likely we will at some time have a case in  
 24 [Northern Ireland]."  
 25 Yes?

43

1 **A.** Yes, because I wasn't invited.  
 2 **Q.** Minister Swann suggested that the invitation had gone to  
 3 the Executive Office and that he had been designated, as  
 4 it were, the representative from Northern Ireland to go  
 5 to COBR. Is that correct?  
 6 **A.** No, he was not designated by myself or the  
 7 First Minister to attend. The invitation was at  
 8 a Health level, it was being chaired by Matt Hancock,  
 9 the health minister in England, and they were pitched at  
 10 that level, and it never came through either my desk or  
 11 Arlene Foster's desk in terms of trying to -- you know,  
 12 I suppose, to ask the health minister to attend. We  
 13 never -- that was never brought to our attention, as far  
 14 as I'm -- and our understanding was that this was  
 15 pitched very much at a Health response at that stage.  
 16 It was only whenever we were invited to  
 17 a Prime Minister-led COBR, which we then attended.  
 18 **Q.** All right. I'll come back to that one on 2 March.  
 19 But I think that it's -- it must be right, then, and  
 20 I think from what you've said that this is correct, that  
 21 the principal forum within which you were exercising  
 22 your collective responsibility over the response to the  
 23 pandemic was in the Executive Committee meetings during  
 24 February; is that right?  
 25 **A.** (Witness nods)

42

1 **A.** Yes.  
 2 **Q.** "Officials to consider public health [legislation] ..."  
 3 If we could scroll down, please, we've already seen  
 4 this, the reference to the Department of Health working  
 5 hard in the background.  
 6 The First Minister seems to have asked if there  
 7 would be similar powers to England.  
 8 You say:  
 9 "Keep us up to date?"  
 10 And that's it.  
 11 That hardly speaks of interrogation or collective  
 12 scrutiny of the Health response, does it?  
 13 **A.** So at this -- I mean, these notes are handwritten notes  
 14 which, you know, we weren't even aware were being taken.  
 15 The -- and I don't know how reflective they are,  
 16 actually, of our entire conversation.  
 17 I can say, and I'm very confident, that we all were  
 18 interrogating the evidence that was being put forward  
 19 from Health. And at this stage we were still also being  
 20 told we're in containment phase, at this stage we were  
 21 being told that Health were in the lead and that we  
 22 didn't -- that they weren't advancing NICCMA being stood  
 23 up, even at that stage. But, yes, I'm fairly certain  
 24 that we did -- I mean, I think that note doesn't reflect  
 25 certainly -- it could reflect a flippancy, but that

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1 certainly wasn't there.

2 **Q.** We've got some very, very long notes of meetings, so  
3 I think we can be fairly confident that there's some  
4 approximation between the length of the note and the  
5 length of the meeting.

6 **A.** And perhaps I wouldn't have interrogated so much in the  
7 meeting given that we had been speaking with Health to  
8 advance that to that conversation.

9 **Q.** I was very clear about asking you, Ms O'Neill, whether  
10 or not the collective responsibility for the response to  
11 the pandemic was being exercised through the Executive  
12 Committee meetings, and you agreed with me.

13 **A.** Yeah, I'm not disagreeing with you. I'm saying that I'm  
14 not sure that note reflects just the depth of  
15 conversations that we would have had in an ongoing way.

16 **Q.** So you've brought up containment. What were the steps  
17 being taken in Northern Ireland then in the containment  
18 phase at this stage?

19 **A.** So I think it -- I would have to refer to the  
20 containment plans that the Department of Health had  
21 published, and I don't have them in front of me, because  
22 I didn't know you were going to ask me about the  
23 specifics of the plan --

24 **Q.** Do you mean the plans at 3 March?

25 **A.** The plan in terms of how we were going to contain the

45

1 who worked in the civil contingencies branch; is that  
2 what you're referring to, work that those --

3 **A.** Those people were doing to support the Health-led  
4 response.

5 But I will say this: I mean, the austerity agenda  
6 for ten years stripped out our health service, our civil  
7 contingencies branch and all of our public services. It  
8 meant that we were in -- that our public services were  
9 in a very poor state in which to respond to the  
10 pandemic. We also had a situation where, in terms of  
11 civil contingencies, a lot of those staff that were  
12 there were redirected to deal with the Brexit situation,  
13 and that meant that we were further behind in terms of  
14 preparedness, which I think we talked about in the first  
15 module, that we were 18 months behind.

16 So there's no doubt that our system was stretched to  
17 breaking point. There's no doubt that it wasn't in  
18 a state of preparedness. There's no doubt that the  
19 resources and the staff weren't there. And there's no  
20 doubt that that made the response to the pandemic very,  
21 very difficult.

22 **Q.** I'm sure we'll move on to this, but 85 people were  
23 trained to work in the hub, so it wasn't a question of  
24 people not having been trained, for example; the problem  
25 was that when, very late in the day, the hub was stood

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1 virus, which was obviously the approach from those early  
2 days, in terms of trying to keep things out --  
3 particularly around travel, that was the issue which  
4 the -- COBR were examining, because all cases at this  
5 stage were referred to being directly related to travel.

6 So the containment phase was based around trying to  
7 keep the virus out. And it was very clear from Health  
8 that they were in the space that they thought that we  
9 could still potentially contain the virus.

10 **Q.** All right. Above and beyond, then, travel, what else,  
11 what other measures were the government in  
12 Northern Ireland -- what had been implemented or what  
13 was being done that you were aware of?

14 **A.** So the civil contingencies branch were supporting Health  
15 and had started the work around talking to departments  
16 around their own preparedness, what perhaps different  
17 government departments might do to support the wider  
18 societal response. That was something that was being  
19 added to on a continual basis.

20 You will have seen the note that would reflect what  
21 was happening, for example, in the Department of the  
22 Economy, or the Department of Communities, and I think  
23 that was the focus of the civil contingencies at that  
24 time up until the early March period.

25 **Q.** I think we've seen evidence that there were two people

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1 up, only two people volunteered to work in it.

2 **A.** And I found that shocking also, and I think it also  
3 points to the fact that even the head of the Civil  
4 Service can't insist that people move to work in this  
5 area whenever you need them to, and I think that's  
6 a fault line for sure, but I think that you can't escape  
7 the fact that the Executive's in place only a short  
8 number of weeks and it's coming in to deal with  
9 a backlog of all the issues of the day of government,  
10 but equally alongside that, not to repeat myself, but  
11 all those issues that we were dealing with in terms of  
12 the state of readiness, the preparedness, the decimation  
13 of public services. I mean, ten years of stripping out,  
14 stripping out.

15 We also had the backdrop of our health workers, our  
16 health and social care workers, our nurses, were out on  
17 strike, and that was the first thing that the Executive  
18 settled in those very early days, in terms of trying to  
19 offer a fair pay award and safe staffing levels for the  
20 staff, because they were on their knees.

21 **Q.** I think I just really want to focus on what you did and  
22 what the Executive Committee were doing at this point in  
23 time, because that didn't require lots of people to be  
24 able to scrutinise what the Department of Health was  
25 doing. Perhaps if we move on to the next meeting.

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1 That's INQ000065692. Thank you.  
 2 If we just scroll down again, please, and if we  
 3 continue to scroll down, I'm just going to bookmark  
 4 there we see reference to the CCG meeting taking place.  
 5 If we just scroll down a little more, please,  
 6 I think that's it, yes -- sorry, if we scroll down.  
 7 Yes, I think that is it.  
 8 I don't want to be unfair, there's something at 8,  
 9 but it seems to refer back to what had been discussed  
 10 earlier in the meeting.  
 11 So if we could just please scroll back up again.  
 12 (Pause)  
 13 Thank you.  
 14 I think we can see that almost everything that is  
 15 said is said by the Department of Health. I don't  
 16 think, but of course please say if I'm wrong, that we  
 17 see much evidence of questioning, challenging,  
 18 scrutinising, asking questions by you and your  
 19 colleagues. Do you agree?  
 20 A. I think that this reflects, like, quite a detailed run  
 21 through all sorts of areas of work that were under way,  
 22 including the regulations being developed, the fact that  
 23 Education, DAERA, Finance, Economy were all already  
 24 working with Health, I think it reflects where we are at  
 25 that point in time, but I think that -- I'm fairly

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1 together was collectively scrutinising what was coming  
 2 forward.  
 3 Q. So, sorry, are you saying that the discussions that took  
 4 place in February were substantive discussions about the  
 5 response --  
 6 A. No, I think it's fair to say that the substantive  
 7 discussions came from early March.  
 8 Q. But there was --  
 9 A. There was certainly a lot of discussion in advance of  
 10 that.  
 11 Q. Yes, because I was going to say, Ms O'Neill, you say at  
 12 paragraph 34 of your witness statement:  
 13 "On the 2 March 2020 the Executive held its first  
 14 substantive discussion about Covid-19."  
 15 A. Yes.  
 16 Q. So the discussions that took place in February were not  
 17 substantive discussions, were they?  
 18 A. It's at that juncture of March where it starts to become  
 19 an all of Executive moving towards the NICCMA  
 20 arrangements being stood up, so therefore you'll see  
 21 from every note from that, that's where it starts to  
 22 become more and more detailed.  
 23 Q. Again, I think that's a question that permits a yes or  
 24 no answer.  
 25 A. Well, I've acknowledged in my statement the first

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1 certain -- despite this note, I'm fairly certain that  
 2 our whole Executive was engaged, very engaged, and  
 3 working away at trying to see what their department  
 4 could bring to the table, as they did throughout the  
 5 course of the pandemic.  
 6 Q. I am going to come, Ms O'Neill, to look at the plans,  
 7 because we've seen an overarching plan dated 13 March,  
 8 and we have, I'm sure you're aware --  
 9 A. Yeah.  
 10 Q. -- asked questions of civil servants and ministers about  
 11 what those plans amounted to. But just coming back to  
 12 the point about questions or challenge or scrutiny,  
 13 that's not conveyed by this minute, is it? It's  
 14 an update.  
 15 A. It's certainly -- it's an update in terms of the urgent  
 16 decision on the regulations, I believe.  
 17 Q. This is not substantive discussion, is it?  
 18 A. But I still don't think that this note reflects the  
 19 scale of conversation that we would have had in our  
 20 Executive Committee meetings, which would have been  
 21 considerably in detail.  
 22 As a matter of fact, at one stage, I think I did  
 23 actually ask that notes are kept verbatim so that we  
 24 would have that type of information, but I don't think  
 25 this reflects the fact that the Executive Committee

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1 substantive discussion is 2 March.  
 2 Q. Yes, so again, these discussions in February, these  
 3 meetings, this collective responsibility that the  
 4 Executive Committee is exercising over the response to  
 5 the pandemic in Northern Ireland did not involve any  
 6 substantive discussion; correct?  
 7 A. I will ... okay, we will say -- I will say that, because  
 8 I'm not going to continue to argue back that there were  
 9 substantive conversations happening with the Department  
 10 of Health, with myself and the First Minister, with the  
 11 head of the Civil Service around the preparedness and  
 12 what the role of the Department of Health was as we then  
 13 moved towards the role of the wider Executive.  
 14 Q. Ms O'Neill, I'm not here to argue with you, I'm just  
 15 repeating what you have said in your witness statement:  
 16 "On the 2 March 2020 the Executive held its first  
 17 substantive discussion about Covid-19."  
 18 A. Yes, I did say that.  
 19 Q. If we can just complete the meetings in February, if we  
 20 could go, please, to INQ000273788. If you could scroll  
 21 to page 9, please.  
 22 Again, to be clear, this is 24 February.  
 23 And if we could go over the page, please -- that's  
 24 it.  
 25 (Pause)

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1 **A.** Are you going to ask me a question?  
 2 **Q.** Well, you knew by this stage, it's 24 February, there  
 3 was obviously a very considerable amount of information  
 4 known and available to you about the position that had  
 5 been reached and the risk that Northern Ireland was at,  
 6 and this is the collective responsibility being  
 7 exercised; do you agree?  
 8 **A.** Yes, this was our conversation, yes.  
 9 **Q.** And it barely amounts to anything, does it?  
 10 **A.** Again, it's a handwritten notes that I can't stand over.  
 11 **Q.** Even assuming, and of course it must be right, that this  
 12 isn't a full note?  
 13 **A.** I just don't think it reflects the nature of what we  
 14 were dealing with at those, in those early days.  
 15 **Q.** Well, I think it reflects, doesn't it, what you said in  
 16 your witness statement at paragraph 34, that there  
 17 hadn't been any substantive discussion until 2 March;  
 18 it's consistent with that, isn't it?  
 19 **A.** Yes.  
 20 **MS DOBBIN:** My Lady, I think we're probably just coming up  
 21 to the break.  
 22 **(Pause)**  
 23 **LADY HALLETT:** I'm terribly sorry.  
 24 **MS DOBBIN:** No, I could see you were deep in concentration.  
 25 I think we've come to the break.

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1 has heard quite a lot --  
 2 **A.** Sure.  
 3 **Q.** -- because it's the one that said that Northern Ireland  
 4 was 18 months behind the rest of the UK. Were you aware  
 5 of that, though, at the time, that that was the concern  
 6 within the Executive Office or within that branch  
 7 specifically?  
 8 **A.** I think that might have become more to my knowledge at  
 9 the time of preparation for Module 1, whenever we were  
 10 reviewing the paperwork, so I don't think -- it was  
 11 never elevated to us as an issue of concern until we saw  
 12 it at that time.  
 13 **Q.** All right.  
 14 We've also seen that there was a report in  
 15 November 2019, the PwC futures report, that had made 85,  
 16 I think, separate recommendations about civil  
 17 contingencies in Northern Ireland.  
 18 Again, was that something that you were aware about  
 19 at the time?  
 20 **A.** No, because that would have been produced in advance of  
 21 the Executive being restored in the middle of January.  
 22 **Q.** So that was --  
 23 **A.** Because --  
 24 **Q.** Sorry, I didn't mean to cut across you. The fact that  
 25 it was produced obviously before you were restored

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1 **LADY HALLETT:** I was. It's no disrespect to you,  
 2 Ms O'Neill, I'm so sorry, I'm sure you're used to  
 3 multitasking.  
 4 I shall be back at 11.30.  
 5 **(11.13 am)**  
 6 **(A short break)**  
 7 **(11.32 am)**  
 8 **LADY HALLETT:** You're not late, I think, First Minister, and  
 9 I had similar problems getting down here --  
 10 **A.** I took the lift.  
 11 **LADY HALLETT:** -- fighting with the dirty bed linen.  
 12 **MS DOBBIN:** I won't ask.  
 13 Ms O'Neill, when we finished just before that short  
 14 adjournment, we had gone through the meetings that had  
 15 taken place in February, and you touched upon the work  
 16 that you understood was being done by the CCPB, so the  
 17 Civil Contingencies Policy Branch, and that sat within  
 18 the Executive Office, didn't it?  
 19 **A.** Yes.  
 20 **Q.** In your witness statement, your January witness  
 21 statement, so the main one -- sorry, March statement,  
 22 you say at paragraph 21, I don't need to take you to it  
 23 unless you want to look at it, but you say there that  
 24 you are aware of a 22 January 2020 paper about sector  
 25 resilience, and that's a paper about which the Inquiry

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1 wouldn't have stopped anyone from drawing it to your  
 2 attention, though --  
 3 **A.** No.  
 4 **Q.** -- once you came back, and in particular once it was  
 5 understood within the civil contingencies branch that  
 6 obviously there was an emergency hurtling towards  
 7 Northern Ireland. But you're clear it wasn't? You  
 8 weren't told --  
 9 **A.** No, I absolutely don't remember that, no.  
 10 **Q.** We've also seen a paper that was provided to the TEO  
 11 board on 25 February that referred to the fact that  
 12 civil contingencies arrangements in Northern Ireland  
 13 hadn't been reviewed for 20 years, and the review was  
 14 sought to ensure effective arrangements are in place to  
 15 enable the Executive to support wider citizens and wider  
 16 society in the event of an unforeseen emergency event or  
 17 situation.  
 18 And again, were you aware or did you know that that  
 19 paper had been generated or that a review was being  
 20 sought at that point in time?  
 21 **A.** No, that wasn't brought to our attention.  
 22 **Q.** It must have been clear to you, though, Ms O'Neill, as  
 23 matters progressed throughout February, that there were  
 24 barely any staff in the civil contingencies branch?  
 25 **A.** So I think the first time that it becomes more aware is

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1 whenever we had the memo from Chris Stewart, who heads  
2 up that area of work, and I think it's only at that time  
3 where they start to raise the issues of staffing,  
4 et cetera. To that point we were of the view that it  
5 was being dealt with at an official level in terms of  
6 support for Health, but the issue of staffing wasn't  
7 brought to our attention until we actually got into that  
8 sort of 2 March period.

9 **Q.** I was going to ask you what date, in terms of the note  
10 that you're talking about, the Chris Stewart note, which  
11 one is it that you're actually referring to?

12 **A.** I think I've left it upstairs, but I think there may be  
13 one of 3 March, I think perhaps.

14 **Q.** Right.

15 So, again, just in terms of trying to understand  
16 your responsibilities, you've said that health was  
17 a matter for the Department of Health in February, I'm  
18 not going to go back over the issue of collective  
19 responsibility, but civil contingencies sat within the  
20 Executive Office, and was therefore something that you  
21 could have been enquiring into and ensuring were ready  
22 to respond to what you understood was the position in  
23 February 2020?

24 **A.** So at that juncture we had -- nothing had come to our  
25 attention that we were in any way, you know, lacking of

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1 contingencies arrangements readied for what, I'm sure  
2 you'll agree, was becoming inevitable?

3 **A.** So I think that these are the early days of the  
4 fledgling Executive, and we were trying to deal with all  
5 the other attendant parts of government, programme for  
6 government, budget, investment strategy, delivering on  
7 *New Decade, New Approach*, the political agreement that  
8 brought people together, so I think, even when  
9 I reflected just in the break around some of the minutes  
10 of those meetings, some meetings were directly to do  
11 with those things and health mightn't have been the  
12 specific topic for that Executive, and perhaps that's  
13 why the minutes don't reflect a more detailed  
14 conversation, but that's just to offer that up.

15 I think that the Executive Office itself was busy  
16 with trying to deliver all of those things and we were  
17 very much being guided again by the fact that this was  
18 being dealt with, with Health in the lead, because they  
19 had the expertise. But I certainly -- I know that  
20 across CCG, albeit with limited staff, there was work  
21 going on with other departments, and that became clear  
22 in that table that started to be produced, I think  
23 around 18 February perhaps, where it refers to the work  
24 of other departments and what's being done and how that  
25 was being collated.

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1 staff. It was only around that 2 March period where we  
2 started to realise that actually the staff weren't in  
3 place and perhaps also that the preparedness that you  
4 would expect wasn't in place. There was the work that  
5 I referred to earlier of cross-departmental at official  
6 level, asking for areas of intervention, areas that  
7 departments were looking at. That was very clear  
8 throughout the middle of February. But it was  
9 actually -- became clear in conversations with the head  
10 of the Civil Service, David Sterling, at that time, that  
11 the staff weren't there. And I think that's reflected,  
12 insofar as they had to then go and source staff to come  
13 in, for example Karen Pearson coming into the Executive  
14 Office to actually take the lead on the work around  
15 civil contingency and produce that first paper, and  
16 that's where things started to change.

17 **Q.** I think that comes later in March, doesn't it?

18 **A.** That comes -- she's approached in early March, but comes  
19 into post I think on 16 March.

20 **Q.** Yes. I'm just trying to understand what -- it comes  
21 back to this point: what was going on in  
22 Northern Ireland in February in order to prepare for the  
23 oncoming pandemic, and it's trying to understand,  
24 Ms O'Neill, whether or not -- or what work was being  
25 done within the Executive Office in order to get civil

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1 **Q.** Again, just trying to understand what was taking place,  
2 because you said in the earlier part of your evidence  
3 that there was this -- that the staff in the civil  
4 contingencies branch were helping other departments  
5 co-ordinate with the Department of Health; is that  
6 right?

7 **A.** It's very clear from the briefing papers that we got  
8 that CCG were. It was indicated they were helping the  
9 Department of Health with their preparedness work.

10 **Q.** Right, and I'm just trying to understand, then, again  
11 the scrutiny that was brought to bear on the planning  
12 that was going on around that time and what you were  
13 doing to familiarise yourself with the plans that were  
14 taking place across government?

15 **A.** So at this stage it was an official level, it was only  
16 elevated to ministerial level on 2 March, whenever we  
17 had that first --

18 **Q.** So again, just to be clear, because I don't want to be  
19 unfair to you, we've seen the scrutiny that there was of  
20 the Health response, there's very little discussion or  
21 consideration about what other departments are doing in  
22 February, do you agree, reflected in the minutes?

23 **A.** Reflected in the minutes, of course, but I think it  
24 becomes clear that, as we move even just a short number  
25 of weeks ahead, you can start to see where other

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1 ministers have been doing their preparedness in terms of  
2 what their department can do, the mitigations that can  
3 be put in place, where they fitted in terms of the wider  
4 picture around the pandemic response.

5 **Q.** So just trying to understand, sorry, I'm staying with  
6 February for the moment, because February is obviously  
7 a very important month in the development of the  
8 pandemic, is it correct then that there's no ministerial  
9 oversight of what is being done, and I mean collective  
10 oversight again, of what's being done by departments in  
11 order to prepare for the pandemic?

12 **A.** No, it was done at official level until 2 March, yeah.

13 **Q.** And we can see that throughout that period, and indeed  
14 I think it's right until 18 March, that there was  
15 a single CCG meeting of officials that took place on  
16 20 February?

17 **A.** Yes, because it was still being taken forward at  
18 an official level at that point.

19 **Q.** Yes, but it's a single meeting --

20 **A.** Yes.

21 **Q.** -- of officials on 20 February, and that's it. There is  
22 no other CCG meeting that takes place of officials  
23 before 18 March; do you agree?

24 **A.** Yes, that's what the note reflects, and I think that is  
25 testimony to the nature of the civil contingencies

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1 cross-departmental working in Northern Ireland leading  
2 up to the pandemic?

3 **A.** I think it would suggest that, but to be fair to  
4 officials I've no doubt that, outside of that one  
5 meeting, direction was given and people were off doing  
6 what they could, but I would absolutely concur that you  
7 could take that from that, yes.

8 **Q.** The Inquiry has seen the priorities that came out of  
9 that meeting -- I don't know if that's a document that  
10 you have seen -- and it lists only four things, at  
11 a very, very high level, but it doesn't reflect any of  
12 the planning that one might have expected to see at that  
13 point in time.

14 I don't want to be unfair to you, because I'm not  
15 sure that you've seen that document, and I don't want to  
16 hijack you about it, but the Inquiry has put it before  
17 a number of witnesses now.

18 **A.** Well, it wouldn't reflect the severity of the situation,  
19 if that's the case, because -- but it probably reflects  
20 the advice that still in February and into early March  
21 that Health were telling us that there was a moderate  
22 risk and that they weren't asking for things to be  
23 escalated at that point, so that probably reflects that.  
24 But I can't speak to it because I don't know the  
25 document.

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1 branch, which I've just referred to earlier in terms of  
2 the fact that they were stripped out of staff, the fact  
3 they didn't have the people there doing the preparedness  
4 work, the fact that they were distracted with the Brexit  
5 work. I think it's a combination of those factors that  
6 probably led to that scenario that you've just  
7 described.

8 **Q.** Why did it -- I mean, why would it have taken a number  
9 of people to convene a meeting of officials across  
10 departments in order to understand what planning work  
11 they were doing in February? Why has that got anything  
12 to do with the civil contingencies branch being so  
13 depleted?

14 **A.** Because ministers are very dependent on officials  
15 bringing forward advice and that's how you decide. So  
16 different papers, different options, different scenarios  
17 will be painted in an official-level document and then  
18 we will make decisions based on that advice that comes  
19 forward. It was 2 March before we got that first piece  
20 of advice around standing up NICCMA, and that's where we  
21 moved to immediately then once we had that piece of  
22 advice.

23 **Q.** Do you agree, Ms O'Neill, if there was only one single  
24 meeting of officials before 18 March 2020, that that  
25 does not suggest that there was any sustained effort at

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1 **Q.** Perhaps we'll give you a chance to look at it over  
2 lunchtime and we can come back to it if we need to.  
3 Again, it's just trying to understand, Ms O'Neill, why  
4 were you and Baroness Foster not scrutinising much more  
5 closely, as time moved on in February, what was going on  
6 across departments in order to prepare for the pandemic?

7 **A.** I think it's a fair reflection that we were very much  
8 guided by the Health advice in those initial weeks, and  
9 I think on reflection certainly I would have thought  
10 that if we were in that scenario again we would  
11 absolutely stand up NICCMA much sooner and we would have  
12 taken that approach. So I think we can reflect that we  
13 were perhaps too heavily dependent on the Health  
14 approach in those early weeks up until 2 March.

15 **Q.** Forgive me, why would it depend on the Health approach?  
16 Why wasn't it clear throughout February that you were  
17 going to need to respond on an all-society basis to the  
18 pandemic?

19 **A.** I think it's -- I think it's reflected in some of the  
20 notes that departments were responding and were doing  
21 the preparatory work, but it was the reality that in  
22 those early days Health were the only people that had  
23 the expertise and the advice, they were receiving the  
24 information from SAGE and were advising us, and they  
25 were absolutely as a matter of fact asking for NICCMA

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1 not to be stood up and not for these wider arrangements  
 2 to be put in place because they felt it would interfere  
 3 with what they were doing.

4 **Q.** Where do we see you suggesting that NICCMA should be  
 5 stood up? When do we see you saying "Can I question  
 6 that?" or "I wonder about that" or "Is that really  
 7 right?" Where do we see that?

8 **A.** I think certainly towards the end of February and into  
 9 those early days of March when we received that first  
 10 piece of advice, that's where we would have been very  
 11 much focused around it, with Arlene and myself, on the  
 12 conversation around preparedness and civil  
 13 contingencies. I think that neither herself or myself  
 14 had any counter advice to say the approach that was  
 15 being taken was not the correct approach, because we  
 16 were in a health pandemic.

17 **Q.** Why does it take counter advice for two leaders of  
 18 a devolved administration to say "Actually, we are the  
 19 leaders of government, we have responsibility for the  
 20 people of Northern Ireland, we need to stand up the  
 21 civil contingencies arrangements or we need to really  
 22 scrutinise why they're not being stood up"?

23 **A.** The nature of government is that we depend on advice  
 24 coming forward and there was no counter advice to the  
 25 approach that was being advocated by the Department of

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1 collective responsibility. That's okay. The purpose of  
 2 this Inquiry is to learn lessons. That's why I'm here.  
 3 And I think that there are lessons to be learned in that  
 4 early period, for sure. But it's not about just  
 5 saying -- you know, trying to apportion the blame to  
 6 Health. They had the expertise, they had the knowledge,  
 7 they were attending SAGE and we were dependent upon  
 8 them.

9 And let me be very clear, the health minister had  
 10 a hugely difficult job. It was a harrowing time for any  
 11 decision-maker, to be quite frank, and I think that the  
 12 health minister did his very best. And we all will  
 13 reflect on what we could have done better, but for sure  
 14 the health minister, his officials, all the people that  
 15 worked in the Department of Health, were all trying  
 16 their best in unprecedented times, so I don't want there  
 17 to be any impression other than that. I would put on  
 18 record the great work that they did in these challenging  
 19 circumstances.

20 **Q.** Ms O'Neill, that's revisionism, isn't it, because you  
 21 did criticise Minister Swann in public at a very early  
 22 stage of the pandemic, didn't you, and you went on to  
 23 accuse him of slavishly following Boris Johnson? You  
 24 did, didn't you?

25 **A.** Yes, I did, and I don't think that that is revisionism

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1 Health.

2 **Q.** Why does it take advice for the leaders of government to  
 3 need -- why do you have to be advised that you need  
 4 that --

5 **A.** Well, of course you bring your own --

6 **Q.** -- why do you have to be advised to question or  
 7 challenge?

8 **A.** Sorry, I didn't mean to cut across you.

9 Of course you bring what you know and your own  
 10 understanding of things, but equally we were -- and  
 11 I think this is a lesson learned, my Lady -- we were too  
 12 dependent on the Department of Health in those early  
 13 days, I think that's -- that's very clear, particularly  
 14 now, whenever we reflect on having come through this  
 15 period. NICCMA should have been stood up earlier, but  
 16 I only offer up the reality of the circumstance that we  
 17 were dealing with at that time. And I'm quite sure that  
 18 Arlene Foster will say the exact same thing tomorrow.

19 **Q.** It's very easy, isn't it, to constantly say: it was the  
 20 Department of Health and they had too much power, or  
 21 they had -- this was their response, they were  
 22 leading it?

23 **A.** It's not very easy to say it, it's just a reality of the  
 24 circumstance. But I absolutely -- it's not about trying  
 25 to put all the focus on them. We have to take

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1 at all. I think that Robin had a very, very difficult  
 2 job to do. He himself has indicated that we worked well  
 3 together, but it's also incumbent upon me as a leader,  
 4 when you talk about my leadership responsibilities, when  
 5 something's not right to call it out. That's not  
 6 politics, that's just the difference between what  
 7 I think is right and wrong, and I did believe in those  
 8 early days that the Department of Health here were  
 9 following a Boris Johnson approach that was too slow to  
 10 act and I still stand over that position.

11 Now, would it have been preferable to be able to  
 12 iron these things out within the Executive? Yes,  
 13 of course it would have been. Do I wish that we had  
 14 been able to do that? Yes, absolutely. Do I regret  
 15 that we couldn't? Yes, absolutely. But I did feel that  
 16 I couldn't stay quiet on something that was so  
 17 important, and indeed we might be having a different  
 18 conversation today if that was the case.

19 **Q.** Ms O'Neill, too slow to act, you had all of February to  
 20 act, you had all of February to do more, and you didn't,  
 21 did you?

22 **A.** And as I've stated, we had a very much Department of  
 23 Health-led response in those early weeks, who were  
 24 guided by the SAGE advice that came from London, and  
 25 I think that that advice was too slow in those early

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1 days and the Inquiry will critique that for itself.

2 **Q.** I'm going to move on, if I may, to examine some of the  
3 meetings, then, that took place in March 2020.

4 If we could bring up, please, INQ000065694.

5 Again, the Inquiry has seen this, Ms O'Neill. If we  
6 could scroll up, please, we can see that the Department  
7 of Health set out the up-to-date information. The Chief  
8 Medical Officer -- thank you, we can carry on scrolling.

9 I just want to note there, Ms O'Neill, I think  
10 there's some mention of schools by the minister for the  
11 Department of Education.

12 If we could just carry on, please, I think we see  
13 there -- yes, just at the bottom of that page, and we've  
14 looked at this -- advice that was being provided by the  
15 CMO -- thank you -- and I think reference to the fact  
16 that the case fatality rate could be 2% to 3%. Correct?

17 **A.** Yes.

18 **Q.** If we carry on, please.

19 **(Pause)**

20 I think that that's the end of the meeting.

21 Thank you. We can check just to make absolutely sure,  
22 Ms O'Neill, but I think that that's the extent of it.

23 Yes, I think that's it.

24 Again, I think that that's largely a question of --  
25 or largely conveys that there was a briefing by the CMO

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1 containment phase or in terms of plans it was putting in  
2 place in the event that the pandemic started to really  
3 impact upon Northern Ireland; do you agree?

4 **A.** And this is just the day before we have the advice to  
5 stand up NICCMA as well, so, I mean, I think there was  
6 a lot of conversations happening, not necessarily at the  
7 Executive meeting, but this conversation would have been  
8 continuing on a daily basis at this stage with the  
9 health minister.

10 **Q.** I don't think you got advice to stand up NICCMA on  
11 3 March, I think you received a paper on 3 March.

12 **A.** Sorry, that would be brought to the Executive then --

13 **Q.** Yes.

14 **A.** We agreed to bring it to the Executive.

15 **Q.** Yes, I don't think that it --

16 **A.** Sorry, you're right --

17 **Q.** -- contains any advice.

18 **A.** -- I can --

19 **Q.** I think it just explains the most basic aspects possibly  
20 of what the civil contingencies arrangements are --

21 **A.** Yes, it sets out the roles of --

22 **Q.** Yes.

23 **A.** -- different bodies and talks about the need to bring it  
24 for activation.

25 **Q.** Yes, that didn't come for a considerable period of time,

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1 and the Department of Health, and we see some discussion  
2 on the part of the Department of Education about  
3 schools.

4 But again, there isn't much of a sense of urgency,  
5 having regard to that meeting, or any sense of scrutiny  
6 or the seeking of information, for example, by you about  
7 what plans were being put in place in the Department of  
8 Health, either to continue containing the virus or what  
9 might be done in the event that it could no longer be  
10 contained; do you agree?

11 **A.** This is the meeting dated 2 March?

12 **Q.** 2 March.

13 **A.** I think this is where we can really start to see the  
14 substantive conversation coming through, and schools are  
15 being mentioned as a potential issue, and I think  
16 that's -- is that perhaps also the same day that we go  
17 to COBR meeting?

18 **Q.** So this is the day, the first date, and I think in fact  
19 this meeting might end, because you go into COBR?

20 **A.** Yeah. And the question you asked me?

21 **Q.** I don't think again, from these minutes, that we see  
22 that there's much anxious scrutiny on your part, or  
23 perhaps on anyone's part, about what the detailed  
24 planning was that was going on within the Department of  
25 Health, for example, in order to either maintain the

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1 did it?

2 **A.** It came to -- it came I think maybe very soon after,  
3 maybe ten days after, I'm not sure exactly --

4 **Q.** Yes, the decision to stand up civil contingencies  
5 arrangements in Northern Ireland didn't happen until  
6 16 March?

7 **A.** Yes, that's correct.

8 **Q.** Okay, we'll come back to that.

9 So do you agree, not much challenge, scrutiny,  
10 understanding of what the detailed arrangements are in  
11 Northern Ireland evident at this meeting on 2 March?

12 **A.** Well, I think it's a fairly expansive note in terms of  
13 what we've been briefed on, but in terms of a note that  
14 reflects interrogation of it all, then I agree with you.

15 **Q.** I think again it's just trying to understand,  
16 Ms O'Neill, what level of scrutiny and understanding was  
17 being brought to bear on behalf of the people of  
18 Northern Ireland as to what in fact was being done on  
19 their behalf in order to prepare for the pandemic.

20 Again, if this is the exercise of collective  
21 responsibility, it suggests not a lot.

22 **A.** I think we all have to reflect on these early days,  
23 given that we were a new Executive, that this was  
24 unprecedented, that we were trying to get to grips with  
25 it. But I think that's a fair assessment of those early

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1 days.  
 2 **Q.** And I think in fact when we go to the next meeting,  
 3 which is 10 March, and if we could go, please, to this:  
 4 It's INQ000065695.  
 5 Again, I think we see here -- and if we could just  
 6 scroll slowly ...

7 **(Pause)**

8 If we just pause there, thank you.

9 I think we can see at the bottom of page 1 -- and  
 10 that's still, I think, the health minister providing his  
 11 briefing -- that officials were getting tired and  
 12 looking to other departments for co-ordination.

13 That might suggest, Ms O'Neill, that there wasn't  
 14 really any co-ordination at that point in time. Do you  
 15 agree?

16 **A.** I can't confirm that, I mean, I only can say that the  
 17 officials reported from the middle of February that they  
 18 were working in a cross-departmental way, but no doubt  
 19 Health were getting tired given that they had told us  
 20 that they were preparing for this for seven weeks, so  
 21 therefore people were working round the clock trying to  
 22 deal with an unprecedented circumstance, so absolutely  
 23 wouldn't doubt that that is the case for the staff.  
 24 **Q.** If we could just go on, please, at page 2, and I think  
 25 this is you who says:

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1 everything, and in fact you referenced this yourself,  
 2 that, for example, it was on 24 February that WHO had  
 3 said that there needed to be an all-society approach to  
 4 the pandemic, and that there needed to be preparations  
 5 for non-pharmaceutical interventions. Do you agree?

6 **A.** Yes, I agree, and I think that this is one of those  
 7 reflection points that we'll absolutely have to take on  
 8 board.

9 **Q.** Yes, because it's belated and it's late in the day?

10 **A.** Yes. Yes, that's, I mean, I only -- I don't want to  
 11 keep repeating myself, but I -- when we understood  
 12 Health was in the lead, I think on reflection both  
 13 myself and the then First Minister would indicate that  
 14 we should have stepped in sooner, despite the push-back  
 15 that we were getting, which will become more evident  
 16 from the minutes.

17 **Q.** It's not very clear from the minutes to date --

18 **A.** Sorry, not the minutes, some of the exchanges which you  
 19 saw in terms of CMO to Health, or HOCS to somebody else,  
 20 were in danger of ministers getting ahead of things,  
 21 didn't want us to intervene.

22 **Q.** I am going to take you to that --

23 **A.** Sure.

24 **Q.** -- because that is a fair point and I do want to explore  
 25 with you the separate issue of the CMO responding in

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1 "[Executive] approach needs to kick in -- all need  
 2 to contribute."

3 Yes, thank you, it's just at the bottom:

4 "Role for [us all]."

5 That appears to be the first time or the first  
 6 reflection by you that in fact the Executive did need to  
 7 exercise collective responsibility for all of this; do  
 8 you agree?

9 **A.** Yeah, I think that it's fair to say that that's the  
 10 first time that it's minuted, yes, and my contribution  
 11 there was to try to ensure that we were all recognising  
 12 that we needed to help Health, that we all needed to  
 13 play our part, that's why I refer to a "role for [us  
 14 all]", and I also acknowledge the hard work. So the --  
 15 I think the commentary is a recognition that this is,  
 16 you know, for us all now to get, really, sleeves rolled  
 17 up and in together.

18 **Q.** It's a really belated recognition of that, isn't it?

19 **A.** I think the WHO had declared the pandemic on the --  
 20 early March.

21 **Q.** 11 March.

22 **A.** Yeah, 11 March.

23 **Q.** The day after this.

24 **A.** Yes.

25 **Q.** But it had declared, I mean, without going back through

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1 respect of the Cabinet Office, but I'm just focusing on  
 2 you --

3 **A.** Sure.

4 **Q.** -- for the moment, Ms O'Neill, and trying to understand  
 5 whether or not you're saying that at this point in time  
 6 you were being pushed back from activating NICCMA or  
 7 that you were being pushed back from exercising  
 8 collective responsibility. Because what I was going to  
 9 respectfully suggest is that the notes certainly don't  
 10 convey that in these meetings.

11 **A.** But the Executive meeting is one meeting in a week, or  
 12 perhaps there was a number of meetings, but it's one  
 13 meeting where outside of that there would have been  
 14 a considerable number of other discussions in terms of  
 15 the head of the Civil Service, for example, or Health  
 16 and CMO, we were engaged in a range of things. But  
 17 look, I am here to learn lessons so I absolutely accept  
 18 that this work and this approach could have been done  
 19 sooner, and I take that on board.

20 **Q.** Again, I just want to come back to just understanding  
 21 the facts, Ms O'Neill and whether or not you are saying  
 22 at this point in time you were being advised that NICCMA  
 23 shouldn't be stood up, whether that had reached you;  
 24 I think that's one thing. Or, second, and it's a second  
 25 question, whether anyone was pressurising you and

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1 Baroness Foster not to exercise the kind of  
2 responsibility that you were obliged to exercise?  
3 **A.** So on the second question, no one was advocating that we  
4 don't exercise our rights; what we were being advised  
5 was just that Health were the lead still at that point.  
6 On NICCMA it was very clear that we were being pushed  
7 back in terms of the wider Executive approach. It was  
8 very clear that Health wanted to maintain their lead  
9 role, and perhaps maybe they have good reasons for why  
10 they thought that was appropriate at that time.

11 But the arrangements in the document you referred to  
12 earlier talk about the lead responsibility and every  
13 briefing that we had was that they were the lead.

14 So I think just to acknowledge that that for me is  
15 a learning, it's an experience that clearly we'd never  
16 been through before, and we were too heavily dependent  
17 on that Health advice in those early days.

18 **Q.** I mean, given that it takes up until 16 March for NICCMA  
19 to be activated, you can't be suggesting that you didn't  
20 feel for that period of time that you and  
21 Baroness Foster didn't -- simply didn't have the agency  
22 to require these arrangements to be stood up, if you  
23 thought they should be?

24 **A.** We thought that we would -- or we were working through  
25 this with Health, and we knew that -- and at one stage

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1 some of the other minutes.

2 But just having looked at the minutes for 10 March,  
3 and I think we can just scroll down, I think we can see,  
4 if we just pause there, we can see the head of the Civil  
5 Service saying:

6 "[Departments] to do impact [assessments] ..."

7 And:

8 "Risk [assessments] ..."

9 That suggests, Ms O'Neill, doesn't it, that in fact  
10 that work hadn't taken place by that point; do you  
11 agree?

12 **A.** In terms of impact assessments, perhaps that is correct,  
13 yes. I know there was that other document that was  
14 populated on 18 February that looked at different  
15 departments' roles and responsibilities, but that  
16 certainly suggests that impact assessments perhaps  
17 weren't carried out at that stage.

18 **Q.** I'll take you to the document that -- and if it's not  
19 the right document we can go to the one that you're  
20 referring to.

21 **A.** Sure.

22 **Q.** But we've certainly seen a document dated 13 March that  
23 sets out the planning work that had been done.

24 I think, I mean, we can scroll very slowly down so  
25 that I can ask you about this point. I think we can

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1 it was said that for -- to stand up the arrangements too  
2 soon would be problematic. So yes, we had the agency so  
3 that's why I concede the point that perhaps we could  
4 have insisted that it was stood up, but we would have  
5 done so against the advice of the head of the Civil  
6 Service and Health.

7 **Q.** I'm not sure that we've seen Sir David Sterling  
8 providing advice that these arrangements shouldn't be  
9 stood up.

10 **A.** Sorry, his -- I'll correct myself there. His advice was  
11 around school closures and about getting ahead of the  
12 advice, but there's certainly references in documents  
13 where it's said that they didn't want NICCMA stood up  
14 from Health -- they didn't want NICCMA stood up at that  
15 time.

16 **Q.** Yes, I think, again, I'm just trying to focus on what  
17 you understood and why you didn't exercise the power  
18 that you had.

19 **A.** But I'm trying to explain that, perhaps very badly, but  
20 I'm trying to explain that we were being pushed back in  
21 terms of standing up the arrangements that we were being  
22 asked, that Health maintains the lead responsibility; at  
23 the right juncture then we'd be asked to stand up  
24 NICCMA.

25 **Q.** I'm sure we'll come back to this because we'll look at

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1 probably do it slightly faster.

2 If I can just pause there, I think that we see that  
3 there's mention by the Department of Education about  
4 closing schools too early.

5 If we scroll down a little bit further, please,  
6 I think if we just pause there.

7 You ask about the next COBR. This is 10 March.  
8 I don't think that there's any reference or any  
9 suggestion in this meeting that you were pressing or  
10 suggesting that schools ought to be closed.

11 **A.** Not at the 10th, I mean, it was something that was  
12 clearly very actively on our minds, but at that stage,  
13 no. What I refer to there is the next COBR. It was to  
14 try to get more advice about what the SAGE advice would  
15 be in terms of where we would go to next. So things  
16 quickly developed after this date.

17 **Q.** All right. So we can be clear that at the point of this  
18 meeting you are not pressing for schools to be shut.

19 **A.** No, I didn't have advice to say that.

20 **Q.** All right. I think if we go to -- I'm just going to  
21 pick up, if I may, at page 12 and paragraph 42 of your  
22 statement.

23 Just to put this in context, I think that the  
24 paragraph above refers to the fact that the  
25 Republic of Ireland had made its -- had announced,

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1 thank you, so it had announced a package of measures,  
 2 hadn't it?  
 3 **A.** It had.  
 4 **Q.** And if we just go back to 42, please, and you say that:  
 5 "Personally I agreed with the substance of the  
 6 measures announced by the Irish Government and the  
 7 timing. As I have said previously, I believe now and  
 8 believed at the time, that the UK Government was too  
 9 slow to move to restrictions in response to the  
 10 pandemic. The Irish Government response appeared to me  
 11 to be more in line with WHO and ECDC advice, which was  
 12 to the effect that early intervention was the best way  
 13 to slow the virus down."  
 14 Thank you, that can come down.  
 15 Just so that we're clear about this, obviously when  
 16 you say or you state that you thought that there should  
 17 have been earlier intervention, that's not intervention  
 18 that you were pressing for on 10 March; correct?  
 19 **A.** No, not on the 10th because I wanted to have the COBR  
 20 discussion and the further discussions.  
 21 **Q.** And in fact it appears from the discussions that had  
 22 taken place on 10 March that there doesn't appear to  
 23 have been any serious contemplation at that point that  
 24 schools might actually close in Northern Ireland; do you  
 25 agree?

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1 asking for in terms of the whole-of-government approach  
 2 starts to, I suppose, take more shade and more light in  
 3 terms of developing those proposals. But on the issue  
 4 of schools at that time we were clearly, it was in the  
 5 minds of ministers the fact that we discussed it at all,  
 6 but it was also very clear that Health and CMO's advice  
 7 at that stage wasn't to move, that we were still in the  
 8 containment phase, so that would have guided that  
 9 discussion at that moment in time.  
 10 But this was fast moving, it was day by day, and  
 11 sometimes events really take over and I think the issue  
 12 of schools was a really firm example of sometimes  
 13 something that happens -- because we live in a small  
 14 island, two jurisdictions back-to-back, and particularly  
 15 in the relation to the issue of school closures, parents  
 16 in Strabane couldn't understand why parents in Lifford  
 17 weren't sending their children to school. It just  
 18 didn't -- it couldn't compute in people's minds. So  
 19 much so that -- I just couldn't understand it. And  
 20 I tried to understand it from within the Executive.  
 21 I tried to ask the CMO about the difference of advice.  
 22 I wasn't privy to what the advice was in Dublin.  
 23 If Dublin were wrong and were at different junctures  
 24 throughout the pandemic, I would say that. If London  
 25 were right, I would say that. But where I think

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1 **A.** In the Executive meeting, yes, that's correct.  
 2 **Q.** I mean, in terms of proper planning and everything that  
 3 the closure of schools would involve, there wasn't any  
 4 contemplation of that, was there?  
 5 **A.** Clearly just in terms of the reflection of the education  
 6 minister himself around what mitigation would need to  
 7 look like if we were to move to that juncture, but  
 8 clearly it's a very fast-moving situation, but -- that  
 9 initial conversation. Then obviously we were going to  
 10 have the Covid meeting -- or, sorry, the COBR meeting,  
 11 and then obviously things changed with what happened in  
 12 terms of the South of Ireland moving to close schools,  
 13 a lot of European countries moving to close schools, and  
 14 just our own, then, position around that became a  
 15 fraught one.  
 16 **Q.** Well, on 10 March we've seen that your contribution to  
 17 this meeting was to suggest that an Executive approach  
 18 needed to kick in; correct?  
 19 **A.** Mm-hm.  
 20 **Q.** You hadn't even come close, it would appear, to thinking  
 21 about an all-government response to the pandemic at that  
 22 point; do you agree?  
 23 **A.** Well, no, I don't think that's correct, because I think  
 24 that you'll see that when Karen Pearson comes in just  
 25 a short number of days later, the work that we had been

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1 something is not wrong either way, or not right either  
 2 way, I feel obliged that I would have to articulate  
 3 that.  
 4 But I think that on the issue of schools the  
 5 people -- the public had lost -- this was the,  
 6 I suppose, the first big issue that the public witnessed  
 7 and experienced, and people were afraid, people were  
 8 anxious, and they just couldn't fathom how our advice  
 9 could be different, and it put our advice, the SAGE  
 10 advice that we were receiving in the backdrop of people  
 11 feeling that mass gatherings in London was absolutely  
 12 the wrong approach, or in England was the wrong  
 13 approach. So it felt like we were caught up in a system  
 14 that we didn't feel was right.  
 15 Now, we went through, as further Executive meetings  
 16 will show, we went through a considerable conversation  
 17 around this as to how to adequately deal with it, and we  
 18 knew there wasn't any -- these were a rock and a hard  
 19 place decisions, so -- to be fair to all my ministerial  
 20 colleagues, these were constantly rock and a hard place  
 21 decisions, but particularly in this first issue of  
 22 schools.  
 23 It didn't bode well, you know, for the Executive not  
 24 being in the agreed spot but I would suspect that if  
 25 I found myself in the same position again, that that

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1 would be the same position that I would adopt. I would  
2 try to influence from within and, where not possible,  
3 I would try to influence it from outside.

4 And also I think that the position that I advocated  
5 was vindicated because -- my Lady, the advice from SAGE  
6 didn't change from when I articulated that we should  
7 move to that position to when we actually did move to  
8 that position, nothing fundamentally changed apart from  
9 the fact that parents had chosen to remove their  
10 children from schools, parents were not sending their  
11 children to schools.

12 Also still, on the flip side of all of that, the  
13 implications for families with school closures was  
14 immense, and again this goes back to the rock and the  
15 hard place, but you're ultimately trying to shut things  
16 down in order to try to save lives and that was the rock  
17 and the hard place that we constantly found  
18 ourselves in.

19 **LADY HALLETT:** Can I interrupt. Did you ever get any  
20 evidence on whether shutting schools would in fact have  
21 a significant impact on the spread of the virus?

22 **A.** I think as the pandemic progressed it became clear from  
23 our medical advice and scientific advice that the things  
24 that had the biggest impact on spreading -- on  
25 containing the virus or at least reducing the spread,

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1 340,000 children not being at school, the impact it  
2 might have on health services.

3 Just pausing there, presumably that's because no  
4 arrangements had been made in Northern Ireland, nor any  
5 contingencies put in place as to what might happen to  
6 the workforce if schools were to shut; yes?

7 **A.** Yes, that's correct, yeah.

8 **Q.** Again, I think if we just go down, please, I think we  
9 can -- we've already looked at this, but I think we can  
10 see the reference made about the biggest issues being  
11 exams, and those eligible for free school meals.

12 I think it's right, I think you were referred to in  
13 this as well, and I think that it's right that your  
14 concern was, and I think you've said this, not that you  
15 had any scientific advice to counter what was being  
16 advised here, but that the position was different in the  
17 Republic of Ireland?

18 **A.** And not simply -- not at all, at all, for that reason,  
19 I know that it's quite simplistic for people to jump to  
20 that conclusion, but it certainly was never my approach  
21 the whole way through the pandemic. As I said, if  
22 I thought something was right, I would follow it. If it  
23 was about saving lives, I would have done it, regardless  
24 of where it came from.

25 I mean, we were -- I was guided the whole way

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1 were schools and hospitality. That became a very  
2 evidenced position that was advanced from Health the  
3 whole way through, that whenever it came to,  
4 for example, later in the year, another difficult time  
5 in November, it was basically: it's schools or  
6 hospitality, pick. Because they're the things that have  
7 the most impact. So I think that became more apparent  
8 as time went on as to opposed perhaps at the start of  
9 the pandemic.

10 **LADY HALLETT:** I think not every expert would necessarily  
11 agree, but that was the advice that you were getting?

12 **A.** Yes, yes.

13 **MS DOBBIN:** Perhaps if we look at what the position was on  
14 12 March, if we go to INQ000289859.

15 The Inquiry has seen this, Ms O'Neill, it's  
16 a meeting that took place on 12 March. If we just  
17 scroll down, please.

18 And we can see that it was instigated because of the  
19 announcement that had been made by the Taoiseach,  
20 announcing a package of measures.

21 If we go down, please, so we can see that the health  
22 minister was reflecting the SAGE advice that when  
23 schools shut "it should be for 15 weeks but ... unlikely  
24 to have a significant impact".

25 If we go down, please, then we can see reference to

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1 through from the CMO and the Chief Scientific Adviser,  
2 who got their advice from SAGE, that's UK SAGE. So  
3 I didn't take counter or alternative advice.

4 But on this occasion we can't -- parents couldn't  
5 fathom why schools were closed two minutes up the road  
6 from the school that their kids go to. We had lost  
7 those people's confidence, and we needed to try and  
8 recapture it, and I'm glad then that we got to the right  
9 position and then tried to get things more on an even  
10 keel. But I do, as I said -- you know, I fully put my  
11 hands up in terms of the way we got to that point isn't  
12 ideal. We did try to find consensus but it wasn't  
13 forthcoming.

14 Because I had no advice to counter the Chief Medical  
15 Officer's advice. I didn't have access to what advice  
16 they were receiving in Dublin, but what I couldn't  
17 understand, I couldn't compute in my head, why the  
18 advice would be so different around something so  
19 fundamental as school closure, and I couldn't compute in  
20 my head around what WHO had published and ECDC had  
21 published around the intervention piece, so I just --  
22 I couldn't understand it. I tried to go along with the  
23 consensus and I did so for a period of time, but then it  
24 just -- I could see it happening all around me. We  
25 had -- the public were taking an unmanaged approach.

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1 Some schools were closed, some weren't, some schools  
2 were extending their holidays to see how things worked  
3 out in terms of advice, and we had like a hotch potch of  
4 approach, and that wasn't going to be helpful either.  
5 But then clearly it all changed within two days,  
6 whenever SAGE advice changed to move towards school  
7 closure.

8 **Q.** Sorry, so why weren't you making any of those points on  
9 10 March at the Executive Committee meeting?

10 **A.** I'm very confident that I made all of those remarks, I'm  
11 very confident that I made them directly to the Chief  
12 Medical Officer, the health minister, the First  
13 Minister, every Executive colleague. I'm very confident  
14 that what I said to you today is what I said at the  
15 time, both privately and publicly. I believed and  
16 I believe that this was, you know, the first big issue  
17 that we had to contend with, the first difficult issue  
18 that we had to contend with. And again, nobody's  
19 motivation was other than trying to do the right thing,  
20 and -- but perhaps we had a different approach in terms  
21 of what we thought that was, but I'm assuming that's not  
22 unique to ourselves.

23 **Q.** Sorry, I don't think the minutes of 10 March reflect in  
24 any way an argument or a discussion -- I won't say  
25 argument, a discussion about closing schools and what

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1 was happening elsewhere, and I think Scotland perhaps  
2 had moved to announce closures, I think, I'm not 100%  
3 sure. I think that when you look towards the  
4 international community, school systems were shutting  
5 down across the board, so it was increasingly creeping  
6 up on us, as did a lot of these things because of just  
7 the nature of how the rapidly unfolding pandemic came  
8 towards us, so I think that absolutely it's more  
9 nuanced, and I would definitely, absolutely push back on  
10 any sort of charge of it being political or just because  
11 Dublin did it.

12 If Dublin were wrong, I would say they were wrong.  
13 And they were wrong. They were wrong not to tell us,  
14 they were wrong not to share that advice, and they were  
15 wrong at different junctures, as played out throughout  
16 the course of the pandemic where at times we were in  
17 a different spot to them in terms of transmission. And  
18 we had to constantly -- our Executive had to constantly  
19 manage that tension.

20 And even at that, even if I had have wanted to do on  
21 an all-island basis all of the time, we live in  
22 a jurisdiction where the finances of the Treasury  
23 controls how we can spend our budget, and we wouldn't  
24 have the ability to even bring in measures that we would  
25 want to bring in perhaps at a point in time unless we

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1 the ramifications of that might be and what the  
2 justifications might be, and I think you've accepted  
3 that you didn't press on 10 March for schools to close?

4 **A.** Yes, but I -- because I think the action of the Irish  
5 Government to move towards school closures precipitated  
6 a whole new set of circumstances, which meant that we  
7 were now into that different spot.

8 And again, let me be critical, they took that  
9 decision and didn't tell us. That wasn't good enough,  
10 because that actually led and fed into that confusion  
11 and put us all in a very difficult spot. We thought we  
12 were working up until obviously a point where it looked  
13 apparent that this is where we would be headed, but  
14 certainly their movement then, combined with all the  
15 other factors that I've described, I think meant that  
16 the public position was very different to the Executive  
17 position. But thankfully we changed it.

18 **Q.** So just being clear about it, it is -- it's the fact  
19 that the Republic of Ireland announced it, that's what  
20 changed your position; is that correct? Or is it more  
21 nuanced than that?

22 **A.** It's much more nuanced than that, because of my view of  
23 Boris Johnson's approach, also because when you look  
24 towards what was happening across -- because we were all  
25 in unprecedented times, so you were looking towards what

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1 had that financial support from Treasury and a Barnett  
2 consequential. But on the schools issue it wasn't about  
3 money, it was about trying to get ahead and actually  
4 grab the right decision. As I said, we did get there,  
5 but it's definitely never about politics for me. This  
6 is absolutely, fundamentally, about what I believed was  
7 the right thing to do.

8 **Q.** You say it's not about money; it's about planning, isn't  
9 it? It's about ensuring that Northern Ireland was in  
10 a position to close its schools, and it wasn't at that  
11 date, as we've just seen, from 10 March, was it?

12 **A.** Yeah, you're right, but we're also a number of weeks  
13 into a new Executive, three years with no politics and  
14 nothing being put in place, and then the austerity  
15 impact that I've previously mentioned. So I don't think  
16 anybody can divorce those things. Even if we had have  
17 done things a lot sooner, which I've said I accept that,  
18 but even if we had have, we would never have been in  
19 an ideal position to deal with the scale of the  
20 challenge that we had ahead of us, because we were only  
21 a number of weeks in around that Executive table again.

22 **Q.** I think it's right that on 12 March you made a public  
23 statement that Northern Ireland was not at the stage  
24 that it needed to close schools; is that right?

25 **A.** Yes, because that was where I was trying to work with

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1 the wider Executive team and provide that united front.  
 2 **Q.** Then on 13 March you issued a public statement, I think,  
 3 in your position as vice president of Sinn Féin, calling  
 4 for the immediate closure of schools. What changed  
 5 overnight?  
 6 **A.** In 24 hours a lot had changed. I think I've just  
 7 reflected some of that. I think that we had lost the  
 8 wider public. They were taking their children out of  
 9 schools, they were -- the Catholic bishops had come out  
 10 and asked for all schools to close, to close their  
 11 doors. So we were now very, very quickly, rapidly,  
 12 descending into an unmanaged school closure. It was  
 13 much, much better to do it in a managed way. And that  
 14 was why I felt obliged to speak out.  
 15 I couldn't get that concerted agreement, that  
 16 joined-up effort and agreement in the Executive itself,  
 17 because the CMO had advised that we were not in the  
 18 position to move to this juncture yet, but I still don't  
 19 know to this day what changed between me advocating that  
 20 position -- and I did very strongly in the Executive,  
 21 and in the discussions that we had -- and then what  
 22 changed actually whenever we moved to school closures,  
 23 because nothing changed in terms of the evidence.  
 24 **Q.** Just focusing for a moment on what happened over these  
 25 days, we know that there had been a meeting on 10 March,

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1 take this decision. So I felt like that, having not  
 2 being able to secure, what I tried to secure within  
 3 then -- and ultimately it would have come down to, if we  
 4 could have got agreement with the First Minister at the  
 5 time, and with the education minister and with Health,  
 6 we could have presented that as this is the right  
 7 approach. Unfortunately we didn't have that support.  
 8 Does my statement add to confusion? Yes, of course,  
 9 perhaps you can absolutely say that. Do I believe it  
 10 was the right thing to do? Yes, I do. Because I felt  
 11 like we had lost people -- people in that 24 hours were  
 12 actually committing to remove their children from  
 13 schools. Schools were shutting down and, as I said,  
 14 even educational authorities, like CCMS, were telling  
 15 schools to close.  
 16 **Q.** I'm going to move on and ask if we can deal with the  
 17 position on 16 March, but can I -- again, just coming  
 18 back to your role as deputy First Minister, you've just  
 19 said that you were calling for this to save lives, if  
 20 the position was grave enough on 13 March for you to be  
 21 calling for school closures on the basis you've said, to  
 22 save lives, why was it not serious enough for you to be  
 23 calling for civil contingencies arrangements to be stood  
 24 up?

25 **A.** I think at that time we were moving towards standing up

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1 and you made your statement supporting schools staying  
 2 open on 12 March, and then the contrary statement on  
 3 13 March. There was no meeting of ministers, was there,  
 4 between your change of position? I think that's right.  
 5 **A.** There would have been no Executive meeting but there  
 6 certainly would have been meetings across both myself  
 7 and Arlene Foster, as joint heads, and also with Health  
 8 and Education.  
 9 **Q.** Did you try to convene a meeting in order that you could  
 10 discuss this and make a collective decision as to  
 11 whether or not to do it?  
 12 **A.** Yes, absolutely, I tried everything that I could to try  
 13 to get people on to that right position that I thought  
 14 that we should be -- where we should be, because of all  
 15 the factors that were unplaying beyond us. And  
 16 unfortunately we couldn't get to that juncture. And, as  
 17 I said, it's not ideal but it was the only way in which  
 18 I could try to influence the decision.  
 19 **Q.** Were you not part of the confusion by saying things --  
 20 by making a statement one day and then doing  
 21 a volte face essentially the next, without there being  
 22 any mature, collective discussion around this by all  
 23 ministers?  
 24 **A.** Well, with respect, I feel like it was mature.  
 25 I feel -- I felt like lives could be lost if we didn't

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1 the civil contingencies. But I would divorce those two  
 2 things, with respect. I think that it's clear what I've  
 3 said in terms of civil contingencies that they could  
 4 have been stood up sooner. Had they been stood up  
 5 a week earlier or two weeks earlier, would that have  
 6 made a difference to the decisions that we were taking?  
 7 Perhaps not. We don't know that. But in terms of the  
 8 schools issue, I stand over the position that I took,  
 9 I feel like it was the right position to take. I regret  
 10 the circumstance in which it all unfolded, and, quite  
 11 frankly, it can be unedifying for an Executive that was  
 12 actually trying to do its best, because, as I said,  
 13 I never doubted anybody's motivation around that  
 14 Executive table to try to do anything other than get us  
 15 through this and get the public through it.  
 16 **Q.** Well, perhaps we'll come back to what might have been  
 17 thought to be a bit unedifying about the meeting that  
 18 followed. But again, just so that we're clear on this,  
 19 again given that you've said that you did this to save  
 20 lives, I'm just trying to understand why you would think  
 21 you had reached the position where you needed to go so  
 22 far as to do this but that even standing up the most  
 23 basic of the civil contingencies arrangements in  
 24 Northern Ireland, that that concern didn't warrant that.  
 25 I'm just trying to understand how you reconcile those

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1 two things.

2 **A.** I'm -- in some ways I'm divorcing the two things. The  
3 schools issue just absolutely crept up in terms of the  
4 announcement that schools were closing in the South of  
5 Ireland and what that meant then for public opinion, and  
6 we had to respond to that.

7 I mean, this was a fast-paced moving situation,  
8 things were happening all around us, different  
9 jurisdictions were taking different approaches, and the  
10 public were confused about that also, whether that be  
11 North/South or east/west.

12 I mean, I think we would have been served better by  
13 having a two-island approach to the pandemic. And  
14 perhaps as a lesson learned going forward, a two-island  
15 approach to a pandemic would, I think, serve us all much  
16 better, because it led to -- that divergence led to  
17 complications then for how we would try to manage even  
18 where the public were in understanding what was  
19 happening and -- like at different times there would  
20 have been messages, for example, whenever the Stay at  
21 Home, Save Lives message changed to Stay Alert, we  
22 didn't move to that position straightaway. But our  
23 public here watch -- they watch BBC, they watch RTÉ,  
24 they're taking their news from two different channels  
25 that are, you know, presenting a different message. It

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1 **A.** Yeah.

2 **Q.** Then we see Ms Long saying that the Executive "always  
3 seems to be reacting, not leading".

4 Did you agree with her, Ms O'Neill, that that was  
5 the position, given the role that the Executive  
6 Committee had had until then?

7 **A.** Yeah, I think that Naomi, myself and -- we would have  
8 reflected the same sort of view, at this stage, now  
9 we're in the middle of March, that it was slightly  
10 frustrating that we weren't able to pull all the threads  
11 together that we would have wanted to have at that  
12 stage. So I think on this issue, and particularly what  
13 Naomi's referring to, is that it looks like we're behind  
14 the ball on schools and that others are moving forward.

15 **Q.** All right. I think --

16 **A.** Although I shouldn't speak for her, but I think that's  
17 what she --

18 **Q.** Yes. But again, I mean, in terms of that collective  
19 responsibility, if the Executive always seemed to be  
20 reacting and not leading, again that was something for  
21 which you all bore responsibility; do you agree?

22 **A.** Yes, of course I do, and I think if you scroll on down,  
23 I think I do comment, perhaps, in this conversation.

24 **Q.** I think we can pause maybe here, I think that we can see  
25 in the middle of that page the minister for finance

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1 was confusing for our population. So we did try our  
2 best to navigate that but at different times it was  
3 complicated.

4 **Q.** Just in terms of how you navigated it, perhaps if we go  
5 to INQ000065689, please.

6 The Inquiry has seen these minutes, Ms O'Neill, and  
7 again -- if we just scroll down, please -- I think again  
8 we can see it's the usual format, where the Department  
9 of Health provides an update.

10 I think that we see you suggesting -- I think if we  
11 carry on scrolling up, please -- yes, I think we saw  
12 reference to you saying that the Executive, I think, had  
13 "lost control 2 weeks ago". We can scroll back up if  
14 you didn't catch it.

15 **A.** I didn't catch it, sorry.

16 **Q.** Could we go back to page 3, please. I may have my note  
17 wrong, I'll check that, Ms O'Neill, but I think that you  
18 do say that. We can come back to it.

19 I think if we move on to the proposal to consider  
20 the closure of schools, which was one of the things that  
21 was being discussed -- and I think if we go forward,  
22 please, to page 10, thank you -- I think, Ms O'Neill,  
23 this is where we start to see consideration of the  
24 position in respect of schools, and I think we catch it  
25 at the mid-point, where there's a blank line.

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1 interjects at this point.

2 **A.** Yes.

3 **Q.** And we can see there him reflecting that there was  
4 a lack of confidence in Great Britain, setting out  
5 community concerns.

6 If we just go down, please, and I think that again  
7 if we just follow that thread, we can still see there's  
8 consideration of school closures, can't we?

9 **A.** Yeah.

10 **Q.** Because we can see from Department of Finance, accept  
11 entirely it will be a long school closure, and the point  
12 being made that it was pointless to pretend it was only  
13 two weeks.

14 Then I think that it adjourns.

15 Then if we go, please, to page 17, we can see here,  
16 I think, that this is the first time that the Executive  
17 Committee actually receives a briefing about civil  
18 contingencies; do you agree?

19 **A.** Yes.

20 **Q.** Why had no one been invited to the Executive Committee  
21 before 16 March --

22 **A.** Again -- sorry.

23 **Q.** -- to explain and to enable you to exercise collective  
24 responsibility over what was being done?

25 **A.** I think, and as I've said earlier, up until that point

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1 it was Health-led and this was becoming more CCG-led.  
 2 **Q.** Because we can see here in terms of the planning and he  
 3 refers to the table being -- a table being at the back  
 4 of the paper, and I think that may be the table to which  
 5 you've referred, departments "can prepare own plans but  
 6 have to join up".

7 And again do you agree, Ms O'Neill, that again this  
 8 just suggests an extraordinary lack of understanding as  
 9 of 16 March that of course a whole-society approach and  
 10 a cross-government approach was required and had been  
 11 required for weeks by this stage?

12 **A.** Yes, and I've -- I'm not going to keep going over how  
 13 I felt it was being dealt with prior to that, but yes,  
 14 I think that's fair enough.

15 **Q.** I think if we go, please, to page 30, again I'm doing  
 16 this because I don't want to be unfair to you,  
 17 Ms O'Neill, I want to make sure that you can put this in  
 18 some sort of context, I think this is the minister for  
 19 education at the top, but perhaps if we can just scroll  
 20 down.

21 Yes, if we could just scroll down, please.

22 **(Pause)**

23 So again, just to draw attention to what you were  
 24 saying there, that measures were "confusing [and]  
 25 misleading", "told today [that we're] a week further on  
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1 doesn't appear to be any real consideration given to  
 2 what this might do to children and the ramifications of  
 3 closing schools. We can see the advice that had been  
 4 given -- for 15 weeks -- might do. Do you agree with  
 5 that?

6 **A.** So I would say in relation to that that this was such  
 7 a fast-moving situation and the decision, and you can  
 8 see some of the conversation reflects the implications  
 9 for school closures, not just the workforce, it was  
 10 children being able to take it home to grandparents and  
 11 it was all those other considerations, it was children  
 12 with additional needs and what would happen if them, it  
 13 was about those who are more vulnerable in society,  
 14 those children that depended on free school meals, all  
 15 those things were part of our conversations. But what  
 16 we would have -- what we intended to do at this juncture  
 17 was, this was still the school holiday period that we  
 18 were in, St Patrick's Day holiday, and we hoped that  
 19 would provide a wee -- a small bit of a window in  
 20 which -- to allow a bit more preparation to be taken  
 21 forward, particularly around -- or mitigation to be  
 22 taken forward, particularly around the area of free  
 23 school meals where, again I think this is one of the  
 24 success stories, if you like, of how locally-elected  
 25 ministers were able to support children who needed their  
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1 than we thought"; is that correct?

2 **A.** Yes.

3 **Q.** And is that a reflection to transmission in  
 4 Northern Ireland being a week further on?

5 **A.** That's correct.

6 **Q.** If we just continue, please, to just scroll down.

7 **(Pause)**

8 Then we come to the vote. So there was a vote,  
 9 wasn't there, whether to close schools?

10 **A.** That's correct.

11 **Q.** And then a vote, a countervote, whether or not schools  
 12 would close on the advice of the CMO?

13 **A.** Yes.

14 **Q.** The point, Ms O'Neill, and the reason why I wanted to  
 15 take you through that and to be fair about it is that on  
 16 10 March we see, and I'm not going to go back over it,  
 17 we've agreed there's no thought given to what the  
 18 ramifications would be for closing schools and what that  
 19 might do to children. The concern, I think, seems to be  
 20 the workforce implications; yes? Of course serious in  
 21 and of themselves.

22 But when we come to this meeting and I think that  
 23 this is the only meeting that takes place in  
 24 Northern Ireland at which the closure of schools is  
 25 properly debated by the Executive Committee, there  
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1 meals by working together, both Communities and  
 2 Education worked together to ensure that we also then  
 3 were able to move on to put in school opening for  
 4 children that needed to come into school for a varying  
 5 category of reasons.

6 So we moved to do the mitigation, but if you waited  
 7 until you had all the mitigation in place throughout the  
 8 pandemic, we wouldn't have had -- we wouldn't have taken  
 9 the decisions when we did. I would suspect that that  
 10 would be the case.

11 Now, in this, for sure, we knew there was going to  
 12 be difficulties but this -- that's the scale of the  
 13 decision that you were faced with: do you keep the  
 14 schools opened and what does that mean for vulnerable  
 15 children? What does that mean for wider society? Or do  
 16 you close them and try to bring down -- suppress the  
 17 virus and allow us a bit more time to be able to go off  
 18 and put in place the mitigations that we all knew were  
 19 going to be required?

20 And of course, as became very clear the whole way  
 21 through, we were never going to mitigate against the  
 22 impact of a pandemic in totality. All we could do was  
 23 try our best, and that's what I believe that we tried to  
 24 do.

25 **Q.** But in terms of those advocating -- because there was  
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1 a binary argument here, it was close or not close, and  
2 again I just want to see if you agree with me, well,  
3 first of all, that the closure of schools was probably  
4 one of the most significant steps that a government  
5 could take in response to a pandemic; yes?

6 **A.** Well, it was the first big decision that the  
7 Executive --

8 **Q.** Yes.

9 **A.** -- took. Obviously lockdown coming behind it was  
10 probably equally as significant in terms of what  
11 happened.

12 **Q.** Yes, of course, but, I mean, the closure of -- I just  
13 want to test this, if I may, the closure -- nothing like  
14 this had ever been done before and you were  
15 contemplating taking children out of school for  
16 15 weeks; yes?

17 **A.** That was what the Chief Medical Officer had advanced,  
18 that if we did move to school closures that he suspected  
19 it would go to 15 weeks. But that being said, the flip  
20 side of all of this was that the virus was rapidly  
21 moving around and we were trying to get on top of that,  
22 and also for the reasons that I've previously outlined,  
23 in particular the fact that parents had moved on and we  
24 had lost, I suppose, their confidence in terms of this  
25 issue and I was trying to get us back on to that ground.

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1 did it in that way.

2 We had the conversations not just in that meeting,  
3 I can tell you that we had conversations with CMO and  
4 with Health and with others in terms of trying to --  
5 like, interrogated this for quite a considerable period  
6 of time in terms of where we were, and that's why we  
7 ended up where we did.

8 **Q.** I'm sorry to come back to this, but do you agree there's  
9 no substantive discussion evident in this meeting about  
10 the implications for children or all of the  
11 countereffects that closing schools might have?

12 **A.** Well, I can accept that it's not -- that there's no  
13 substantive discussion recorded in the minutes of this  
14 meeting, but I don't accept that having closed schools  
15 that we weren't immediately working to try to find the  
16 mitigations, which we did find, in terms of schools  
17 staying open for key workers, schools staying open for  
18 vulnerable children, all the different measures that we  
19 did bring forward.

20 But this was real time, this was happening right in  
21 front of us, and we didn't have the luxury at this  
22 juncture because of what had happened in terms of the  
23 school situation where we lost parents' confidence in  
24 what we were trying to do, that we had to move. But  
25 clearly we accepted the outcome of the vote at that

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1 So, look, it wasn't easy, I accept that, and I, as  
2 I said, I clearly accepted the whole way though the  
3 pandemic that, with the best will in the world, we  
4 weren't going to be able to impact in its totality the  
5 devastation in the wake of a pandemic.

6 **Q.** I think all of those points might be taken but, I think,  
7 just coming back to the point and as you rightly say,  
8 I think this was the first decision in fact that the  
9 Executive Committee were called upon to make in response  
10 to the pandemic, the first decision, it's whether to  
11 close schools and there isn't any considered debate or  
12 discussion about the ramifications that might have for  
13 children in Northern Ireland and the impact that it  
14 might have on them?

15 **A.** And, you know, the -- we talked earlier about every  
16 department having its own autonomy and its own  
17 responsibility, and particularly in terms of Education  
18 bringing forward mitigations, which, as I said --  
19 I referenced one example where Education and Communities  
20 worked together. But yes, it was a huge, huge decision  
21 to take and the first huge decision that we took as  
22 a collective Executive, but this is the mechanism in  
23 which to get things on to the agenda of, this is how you  
24 conduct, you know, the business, you can bring forward  
25 proposals and we can vote accordingly, and that's why we

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1 juncture to try to keep us on a collective response, but  
2 circumstances ran away from that juncture.

3 **Q.** The counter vote that schools would close whenever the  
4 CMO advised, children were hardly well served by that  
5 either, were they?

6 **A.** No, because it's much more than just the advice of CMO,  
7 of course that's what guides us, but we had to take into  
8 account all those other wider societal factors, the deep  
9 inequality, the deprivation that exists across  
10 communities, the impact of closing schools particularly  
11 for children that have domestic violence at home, the  
12 impact of closing schools on children with additional  
13 needs, the impact of closing schools for children that  
14 rely on their only hot meal in the day being in school.

15 **Q.** Yes, but there wasn't really any discussion about any of  
16 those things on --

17 **A.** But this is happening (inaudible).

18 **MS DOBBIN:** Right.

19 **LADY HALLETT:** I shall return at 1.50.

20 (12.48 pm)

(The short adjournment)

22 (1.50 pm)

23 **LADY HALLETT:** Ms Dobbin.

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

25 Ms O'Neill, I wonder if we could just finish off,

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1 then, and we'll move on to another topic, but just  
2 before we do, to finish on the 16 March, please, and to  
3 just go -- and perhaps we can call this up on screen --  
4 the Inquiry has seen this on a number of occasions.

5 It's INQ000308444, please.

6 This is a message from -- thank you.

7 This is a message from Sir David Sterling. I think  
8 this is a message that he sent to the CMO, but he sent  
9 another message that night to another senior official,  
10 and it's a reflection on the meeting that had taken  
11 place the previous night.

12 It's obviously not about you, Ms O'Neill, it's about  
13 the leadership that was on display at that meeting, and  
14 as you see he describes the meeting as having been  
15 "excruciating", and that there was "No leadership on  
16 display at all".

17 I'm not asking you what he thought, but I wonder if  
18 you have any reflections or whether or not you  
19 understand why the most senior civil servant in  
20 Northern Ireland might have come to that view or what it  
21 was about the conduct of that meeting that led him to  
22 have -- or to feel the need to say that?

23 **A.** This was the first thing he says, that -- I mean,  
24 I can't comment on what he meant or what he was  
25 referring to, but I can say that there's no doubt it was

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1 would have been to arrive at an agreed position, but  
2 that wasn't the case.

3 **Q.** All right.

4 I'm going to move on then. Earlier in your evidence  
5 you talked about planning, and I know that you've  
6 accepted that the position -- that, really, the planning  
7 came late in the day. But just to trace that through,  
8 and I did say that I would take you to this, so I want  
9 to do that, but if we go, first of all, please, to  
10 INQ00086935, this is the return that the Inquiry has  
11 already seen and understands, from evidence that's been  
12 given about it, that it's a summary of the plans as they  
13 stood at 13 March.

14 We've taken other witnesses to it, I can take you to  
15 it if needs be, but, you know, we can see the planning  
16 for schools, there's no -- appears to be no reflection  
17 that schools might close. The concerns are in other  
18 directions.

19 I think you've accepted this, but plainly these  
20 plans are wholly inadequate, aren't they, for the  
21 position that had been reached as of mid-March?

22 **A.** Yes, they are, and they're very much referring to the  
23 risk that was presented at that time of moderate, but  
24 yes, I agree with you.

25 **Q.** All right. Well, I'm not going to take you through all

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1 a difficult meeting, but that doesn't equate to a lack  
2 of leadership, I think it equates to the complexity of  
3 the issues in which we were dealing and trying to work  
4 our way through. So I can't really say much more than  
5 that's just his view, which he seems to share a lot  
6 behind the scenes with CMO.

7 **Q.** Well, he shared it with -- it was a view he shared with  
8 other senior officials. I think we've seen, I won't go  
9 to it, it's not only that it's a special communication  
10 with the CMO, I think it goes broader than that.

11 But reflecting upon that now, and knowing that that  
12 was the view that was taken at the time, I suppose the  
13 question is whether or not you do have any reflections  
14 on your leadership at that point in time, or whether you  
15 can see that there might have been an objective basis  
16 for his coming to that view?

17 **A.** No, I can't -- I don't accept that it was a lack of  
18 leadership. I accept it was a difficult circumstance  
19 that we were trying to navigate our way through, and  
20 I accept that for the reasons that I've previously  
21 outlined to the Inquiry in terms of my decision-making  
22 and why I did what I did, so I don't reflect that  
23 commentary as necessarily a good descriptor of what we  
24 were trying to navigate.

25 I've said that I believe that the optimum position

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1 of those. And I think what you've said in your evidence  
2 is that when Karen Pearson was introduced, that that's  
3 when there appeared to be a more -- I'm putting it in my  
4 words but maybe you'll agree -- coherent approach  
5 perhaps --

6 **A.** Yes, I think Karen, to be fair to her, was a breath of  
7 fresh air in coming into the department to sort of bring  
8 all of this together and actually bring forwards that  
9 coherent plan. So, yes, I think her arrival to the  
10 department, I think around 14th, 16th, was a huge moment  
11 in terms of a gear shift.

12 **Q.** All right.

13 If we go to, then, I think this is the paper that  
14 sets out the planning framework that she -- and we've  
15 seen this, but so that I can put it to you, please, it's  
16 at INQ00086884.

17 We can see that she sets out:

18 "The purpose of this paper [was] to seek ...  
19 agreement on the headline objectives for a planning  
20 framework to [join] a joined up whole society response  
21 to COVID-19."

22 **A.** Yes.

23 **Q.** I think so, Ms O'Neill, consistent with what you've  
24 said, I think it's here that we see the nutshell of the  
25 joined up approach and one that might have been expected

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1 a very considerable time before then; yes?  
 2 **A.** Yes.  
 3 **Q.** I think if we go, please -- we can see the workstreams  
 4 set out at 3. And again I'm sure you'll agree,  
 5 Ms O'Neill, they're probably just about as basic as  
 6 could possibly be; yes?  
 7 **A.** Basic perhaps in appearance, but very wide catching in  
 8 terms of the issues that we would have to address under  
 9 each of those headlines. I think they're just  
 10 workstreams that encompass a lot of other work.  
 11 **Q.** So if we go and look at the way it was proposed the  
 12 workstreams would be set out.  
 13 And if we can scroll down, please -- sorry,  
 14 I thought that it had annexed the document.  
 15 But I think that when we look, and when we come to  
 16 it -- thank you, that is it, thank you -- if we look at  
 17 paragraph 1, I think we see there again some of the very  
 18 broad headlines; yes?  
 19 **A.** Yes.  
 20 **Q.** About what might be expected in terms of a health  
 21 response. And I think that perhaps, in terms of the  
 22 Executive Committee and its response, its oversight,  
 23 I think this might be, for example, the first time we  
 24 see reference to things like -- or certainly a document  
 25 that sets out something like or refers to testing

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1 **LADY HALLETT:** Forgive me for interrupting, I was going to  
 2 ask you this earlier, but both Brexit and austerity  
 3 applied to the whole of the UK.  
 4 **A.** Sure.  
 5 **LADY HALLETT:** And what was the document that said  
 6 Northern Ireland was 18 months behind the rest of the UK  
 7 in resilience, so I'm afraid austerity and Brexit can't  
 8 explain why Northern Ireland was so far behind the rest  
 9 of the UK.  
 10 **A.** I think we can align those things alongside the absence  
 11 of the institutions working and leadership for the  
 12 three years previous as well, I think I've said that in  
 13 my previous statement, my Lady. I'm sorry I didn't  
 14 mention it just now. So I think it's a combination of  
 15 factors.  
 16 **MS DOBBIN:** But it's also, isn't it, I think you must  
 17 accept, the lack of collective responsibility that was  
 18 exercised over the response to the pandemic,  
 19 particularly in February and into the middle of  
 20 March 2020?  
 21 **A.** I think I've said that I thought the state of readiness  
 22 in February wasn't as -- where it should be, yeah.  
 23 **Q.** Just looking, then, and as it were, assessing the  
 24 position at the point at which the lockdown was  
 25 announced, we've obviously seen the schools decision and

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1 capacity. Do you agree?  
 2 **A.** Yes, I think so, yeah.  
 3 **Q.** All right.  
 4 I think that can come down, please.  
 5 That document is dated 19 March, and  
 6 Northern Ireland went into lockdown, I think the  
 7 lockdown was announced on 23 March, so within a few days  
 8 of this plan having been formulated.  
 9 It must follow, I think, from everything that you've  
 10 said in your evidence, Ms O'Neill, that Northern Ireland  
 11 was probably woefully underprepared for going into  
 12 a lockdown; do you accept that?  
 13 **A.** Yes, absolutely, I think that you can't argue any  
 14 different in terms of our preparedness for the  
 15 combination of reasons that I have referred to  
 16 previously, particularly in terms of austerity and what  
 17 that meant for public services and a state of readiness  
 18 within particularly the health system but much wider  
 19 than that, because obviously civil contingencies was  
 20 also hugely impacted, the fact that we were preparing  
 21 for Brexit and that any staff that were available in  
 22 civil contingencies were focused on that area of work,  
 23 so I think any objective assessment would say that the  
 24 system itself wasn't ready to respond to the pandemic.  
 25 **Q.** It's not just about --

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1 the announcement -- or, sorry, the level of debate  
 2 around that. There was no, I think -- or you certainly  
 3 weren't required as an Executive Committee to make any  
 4 decision to cancel any mass events because the Inquiry  
 5 has seen evidence that the organisers cancelled those  
 6 themselves; would you agree?  
 7 **A.** Yes, that's correct.  
 8 **Q.** And I think, in fact, we've seen reference --  
 9 **A.** With some encouragement from ministers as well, in  
 10 particularly in relation to sporting events.  
 11 **Q.** Well, I think the CMO claimed it was after some  
 12 encouragement from him.  
 13 **A.** Perhaps both.  
 14 **Q.** I'm not sure that we've seen much by way of evidence  
 15 about who encouraged it. What we've seen is a document  
 16 that has -- refers to the fact that a number of events  
 17 were either cancelled or ticket sales cancelled without  
 18 any advice or official advice having been provided. But  
 19 I think you must agree there's no central decision not  
 20 to cancel -- sorry, to cancel; yes?  
 21 **A.** So I think it would always depend on the nature of the  
 22 event and who gets -- so, for example, some of the  
 23 events that were cancelled, my Lady, were St Patrick's  
 24 Day events, they were sporting events, and those people  
 25 that were charged -- or who had the responsibility, who

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1 were organising such events, took that decision to close  
2 as -- and all engaged with the Public Health Agency  
3 around their advice, just in terms of how they should  
4 proceed. But I know this is something that you are  
5 interested in, in terms of not having one point where  
6 everything can be shut town down, and I think that comes  
7 back to I think a comment I made earlier about emergency  
8 powers in this type of situation.

9 **Q.** Yes. We will come back to that, Ms O'Neill, because I'm  
10 sure you do have something to say about, and I am going  
11 to take you to the evidence about, perhaps, the  
12 Department of Health operating in a way that made things  
13 more difficult for you and Baroness Foster. So I will  
14 come to that.

15 **A.** Okay.

16 **Q.** But I think just in terms of understanding how  
17 collective responsibility was exercised, I think perhaps  
18 it was fortunate that those organisations went ahead and  
19 cancelled things themselves, absent any Executive  
20 Committee approach to those type of events?

21 **A.** We didn't have the legislative areas in which to order  
22 closure of certain events, so that isn't a power that  
23 was within our gift. And again, I think, as the  
24 pandemic throws up many of these lessons, that has to be  
25 one: you don't have the ability and different

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1 Committee about that as something that might happen in  
2 the week leading up to it; is that correct?

3 **A.** So at that point there wasn't any real evidence, I think  
4 up until perhaps ... I'm hazarding a guess here, of  
5 around the 18th before SAGE actually even considered  
6 that moving further in terms of restrictions that could  
7 potentially be brought in. Up until that point lockdown  
8 wasn't anything that was being discussed.

9 **Q.** But I don't think, but you will know whether or not this  
10 is the case, that there was any discussion between the  
11 Executive Committee in advance of the announcement being  
12 made that that's what might happen; is that correct?

13 **A.** I don't recall if that's the case, I know that we were  
14 keeping ministers abreast of what was happening in terms  
15 of any advice we got, but I think the decision came  
16 quick in the end and it was a matter of then conveying  
17 that public message at that time.

18 **Q.** Is it right to effectively regard that decision as  
19 effectively one that had been made by the UK Government  
20 rather than by the Executive Committee in  
21 Northern Ireland?

22 **A.** And for -- well, probably, I mean, the Executive itself,  
23 given the scale of what you were asking of the public,  
24 given that you were shutting the doors of businesses,  
25 given that you were sending workers home, given all the

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1 departments have different responsibilities, local  
2 government has responsibilities, private event  
3 organisers. So I don't think there's, like, a very  
4 clear-cut answer to the question that you want to try to  
5 get to the bottom of, but certainly there should be.

6 **Q.** Yes, and we see, I think it's on 5 March, a paper is  
7 circulated about powers to close down mass events. So  
8 I think certainly that you would have a power was in  
9 contemplation, but I don't think that there had been any  
10 collective discussion or consideration before then about  
11 what the Executive Committee could or should do to close  
12 down mass events or even to advise that that should be  
13 the place -- should take place?

14 **A.** So I think it was still in the space of the advice of  
15 the Public Health Agency at that time, and individual  
16 engagement, as opposed to any kind of collective  
17 approach, from memory, but I don't even recall the paper  
18 that you're speaking about but perhaps ...

19 **Q.** Okay. I think it exists.

20 **A.** Is there --

21 **Q.** I'm fairly sure it does.

22 Anyway, just moving on from that, I think the  
23 lockdown was announced and, as the Inquiry understands  
24 it, but perhaps you can confirm, that took place without  
25 there having been any discussion between the Executive

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1 ramifications that come with making a lockdown decision,  
2 the Executive did not have the financial ability in  
3 which to support people and therefore we were very much  
4 tied to the approach that was being taken with SAGE  
5 advice, because we needed the Barnett consequentials, so  
6 we needed the finances in order to be able to support  
7 people to be able to be compliant. So in the absence of  
8 having that kind of support, it probably was virtually  
9 impossible without just completely decimating  
10 everybody's livelihoods, that you could have moved  
11 without having that assurance.

12 So that was why we were making that case for those  
13 Barnett consequentials. And that allowed us the freedom  
14 in which to then move forward.

15 **Q.** I don't think that the Chief Medical Officer of  
16 Northern Ireland was advising a lockdown prior to the  
17 announcement.

18 **A.** No.

19 **Q.** I think that that decision crystallised on the day of  
20 the announcement. Is that your understanding --

21 **A.** That's my understanding.

22 **Q.** -- as well?

23 So I think, and again, I'm not going to retread  
24 water about planning, but it would appear then that  
25 there was a very, very short space of time within which

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1 ministers in Northern Ireland knew that in fact  
 2 a lockdown was on the way and was going to happen; is  
 3 that correct?  
 4 **A.** Yes, I mean, I think -- of course everybody realised  
 5 that things were deteriorating and of course everybody  
 6 realised the kind of scale of public opinion and panic,  
 7 just in terms of people being afraid, so probably taken  
 8 by surprise, Executive colleagues, in terms of the scale  
 9 of lockdown, but were also privy to conversations around  
 10 potential interventions.  
 11 **Q.** All right. I'm going to finish off on this, if I may,  
 12 with another -- it's a message from Sir David Sterling  
 13 and, again, I think the Inquiry has seen this.  
 14 It's INQ000309200.  
 15 It's an email from him, and I think it may be ...  
 16 may possibly be on the next page, I think.  
 17 It says, though -- it must have been on the other  
 18 page. Thank you. If we could just go back up to  
 19 Sir David's ... thank you.  
 20 It's the third bullet point. It was a point that  
 21 was put to him, Ms O'Neill, that he had said that:  
 22 "... ministers [had] not shown strong leadership and  
 23 [had] been too quick to retreat into campaigning or  
 24 community activist-mode -- they've got away with this  
 25 partly because UK [Government] has thrown so much money  
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1 was the thing to do with no mitigation whatsoever?  
 2 So the reality of our political situation here and  
 3 the reality of our financial situation is that we are  
 4 tied under a funding arrangement with the -- how we get  
 5 monies through the Barnett formula through the Treasury,  
 6 and without that sufficient funding you couldn't -- it  
 7 was really, really difficult to be able to advance these  
 8 decisions.  
 9 We knew that we needed to get here, but without the  
 10 proper funding in order to do so -- we don't have  
 11 tax-raising powers, we don't have the ability to  
 12 leverage in additional funding. What we needed was  
 13 support to do the right thing and that's what  
 14 transpired.  
 15 So closing schools was not easy, closing businesses  
 16 was certainly not easy, for all the reasons that  
 17 everyone would understand. Ministers are part of the  
 18 community, ministers had families, ministers had the  
 19 same worries and stresses that everybody else had and  
 20 understood so acutely our local community and what their  
 21 needs were, and I believe that their constant rock and  
 22 a hard place decisions that they had to take, all those  
 23 things weighed heavy on their minds.  
 24 So that's really what I'd offer in terms of that  
 25 commentary. I think it was not easy, but we were  
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1 at mitigation that they haven't had to take ...  
 2 difficult decisions. Yet when they have, (eg school  
 3 closures and defining 'essential' businesses) they have  
 4 been found wanting. The irritation of the minor parties  
 5 is likely to increase."  
 6 Do you accept that as a characterisation of the  
 7 leadership that had been, and the standard of government  
 8 that had been brought to bear in Northern Ireland until  
 9 the end of March?  
 10 **A.** No, I don't. Once again I don't agree with the HOCS's  
 11 assessment. I think that, as I referred to earlier,  
 12 ministers were in -- completely in the maelstrom of the  
 13 pandemic, weeks into being back around the Executive  
 14 table, dealing with all the overhang of the issues which  
 15 we have already referred to in terms of the backdrop and  
 16 no institutions for three years and the state of  
 17 preparedness and austerity and all the other things that  
 18 we referred to previously.  
 19 Ministers were faced with hard decisions and it,  
 20 quite frankly, is a bit rich for the head of the Civil  
 21 Service to speak in that way whenever. Ministers were  
 22 very clear that people's whole lives were about to be  
 23 disrupted, and particularly in terms of, like, shutting  
 24 down society, shutting down businesses, people losing  
 25 their jobs, how did you go out and convince people that  
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1 determined to try to do our best.  
 2 **Q.** Do you accept the point he's making, that you  
 3 effectively didn't really have to make the difficult  
 4 decisions, that they were effectively made for you?  
 5 **A.** No, I think that's a cop-out, to be quite blunt about  
 6 it. How could we have went out and convinced the public  
 7 that we needed them to do these severe measures of  
 8 retreating to their homes and closing their businesses  
 9 and not going to work every day and don't send your  
 10 children to school, how could we have asked people to do  
 11 that whole array of things without being able to support  
 12 them financially? It probably would have been really,  
 13 really difficult for a lot of people. Just for pure  
 14 survival reasons they wouldn't have been able to comply.  
 15 So we couldn't make the decisions because of our  
 16 fiscal arrangement, because of the jurisdictional  
 17 issues, we couldn't make these decisions without having  
 18 that financial back-up. So no, that is not something  
 19 that I recognise.  
 20 **Q.** All right. I'm going to move on.  
 21 That can come down, thank you.  
 22 The Inquiry has heard that throughout this period --  
 23 and I'm just focusing, if I may, on the ethos or the  
 24 culture of the Executive Committee, and it's apparent in  
 25 the notes that almost every meeting refers to there  
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1 being leaks, either -- and this is what the Inquiry has  
2 heard -- either the options to be discussed were leaked  
3 to the media beforehand, and the suggestion was that was  
4 in order to kind of inflame debate or to try to  
5 condition a media response to it; there's reference to  
6 meetings themselves being tweeted, so no confidentiality  
7 in the meetings; and then I think we also see reference  
8 to papers actually being leaked to the media as well.

9 I think -- again, I think what's very difficult to  
10 understand is why, collectively, ministers allowed that  
11 to endure throughout, it would appear, almost the entire  
12 period that the Inquiry is looking at. That's the first  
13 question.

14 And, second, why, in the context of this most  
15 sensitive and pressing of issues, going, as we've said,  
16 right to the most solemn obligation that politicians owe  
17 to their communities, why that endured?

18 **A.** Why leaks endured?

19 **Q.** Yes.

20 **A.** I can't answer that question, but I can say it was  
21 a deep sense of frustration for both myself and Arlene  
22 whenever it came to chairing Executive meetings that  
23 they ended up being rehearsed on the media before we  
24 even had a chance to take papers into the room for  
25 discussion. So I certainly did not have any practice

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1 **A.** So we hadn't been sitting for three years, so I don't  
2 recall, previous Executives, just how -- if it was  
3 endemic. I don't think so. I would imagine at  
4 different times there was perhaps things that found  
5 their way into the public space, but in the -- at  
6 difficult times during the pandemic, a lot of  
7 information seemed to find its way into the public,  
8 which really just didn't help us to be able to arrive at  
9 a good position and also find consensus on positions,  
10 particularly if -- because things were in the public  
11 space and parties or ministers were being asked to  
12 comment on different views of different things, and then  
13 it just made things more complicated, more difficult.

14 **Q.** Was there not a point in time when ministers sat down to  
15 discuss this and to have a frank conversation about the  
16 fact that it must have been damaging to everybody sat  
17 round that table, or virtual table, that they just  
18 couldn't come to a meeting and be confident that what  
19 they said wouldn't go any further?

20 **A.** There was. I mean, I think myself and Arlene took --  
21 went to great pains to try to advise people, to  
22 encourage them not to be engaged in leaking, that this  
23 was making all of our jobs more difficult, that it was  
24 forcing people into taking positions before they were  
25 properly, you know, interrogated or considered further.

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1 whatsoever of leaking documents but we frequently would  
2 have read reports of an ongoing meeting on social media  
3 whilst we were discussing things.

4 And I think we tried at one stage to get to the  
5 bottom of this. I think there was a Department of  
6 Finance look, deep dive, to try to see if they could get  
7 to the bottom of this. I don't think we were successful  
8 at that time.

9 The problem is we were moving from in-person  
10 meetings to online meetings. At one stage -- and  
11 I realised this at one juncture because of the very  
12 frustration around leaks -- at one stage we probably had  
13 about 40 people on the Executive Committee meeting, you  
14 know, a range of officials across different departments,  
15 ministers, special advisers, support staff. And in part  
16 I think that added also to just so many people with  
17 their hands on the information, and then some of it was  
18 finding its way out. So I don't know where it came  
19 from, but it wasn't -- it shouldn't have happened, and  
20 it did make our job more difficult the whole way  
21 through.

22 **Q.** Was it particular to this period of time? Was it  
23 particular to the response to the pandemic, or is it  
24 endemic in the way that the Executive Committee runs  
25 ordinarily?

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1 So it's a huge -- it was a huge challenge for us, for  
2 sure, and it did endure.

3 I think at different times it was more pronounced  
4 than others, and that may be because of just different  
5 issues at different times. And I think particularly as  
6 we got towards the end of the pandemic, when you had  
7 sort of a more of an anti-Covid sort of sentiment  
8 building up in society, all of this stuff kind of  
9 fuelled that kind of noise, and it really wasn't  
10 helpful.

11 **Q.** I think what the Inquiry has seen is perhaps during the  
12 most difficult period in terms of the Executive  
13 Committee's functioning, so in the autumn of 2020, there  
14 does seem to be a lot of reference at that point, and  
15 I think it does appear that the most difficult meeting  
16 that you had, the four-day meeting --

17 **A.** Yeah.

18 **Q.** -- was being live tweeted --

19 **A.** Yeah.

20 **Q.** -- whilst it was happening?

21 **A.** And we were trying to manage our way through that, and  
22 it was very difficult and very complex, and I think at  
23 one stage I might have been -- I was chairing, I chaired  
24 the whole meeting, and I think Arlene referenced that  
25 "This is being played out in social media as we speak".

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1 That was -- that just made a bad situation worse, in  
 2 terms of us trying to navigate our way through it.  
 3 **Q.** I also wanted to go back to an issue that you had  
 4 raised --  
 5 **LADY HALLETT:** Sorry, if you're leaving leaking, there's  
 6 just --  
 7 **MS DOBBIN:** Yes.  
 8 **LADY HALLETT:** It's obviously pernicious and makes the life  
 9 of someone in your position extremely difficult. Have  
 10 you given any thought as to how you could stop it, or is  
 11 that an impossible question to answer?  
 12 **A.** Well, one way we tried to stop it during the pandemic  
 13 was to reduce the number of people that were in the room  
 14 for the decisions, so that there was, what will I call  
 15 it, a safe space in which ministers could air their  
 16 views and have a conversation in confidence. I think  
 17 that helped a bit, but that November period, autumn  
 18 period was particularly difficult.  
 19 And going forward, Executive meetings in-person  
 20 again puts people in the room, it's only ministers, you  
 21 can control who has the information, that's a much  
 22 better scenario in which to work and control leaks than  
 23 to have the online version, where it can be lost beyond  
 24 your control because, for example, if you could be  
 25 sitting behind a screen, who else is in the room? Who  
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1 the fact that the Chief Medical Officer had become  
 2 involved in correspondence from the Cabinet Office about  
 3 the response, and I think that that was something that  
 4 you wanted to refer to.  
 5 But in this document I think the email that we see  
 6 on the first page is linked to that, because I think  
 7 that you had raised an issue about travel to Italy at  
 8 that time. So I'm trying to put all of this in  
 9 context --  
 10 **A.** Yes.  
 11 **Q.** -- for you, so I think that there are probably a couple  
 12 of different strands in this email. So, first of all,  
 13 the Department of Health and the response to the  
 14 Cabinet Office is the first one, and then I think the  
 15 second one is the suggestion or the concern that you  
 16 might appear at odds with the Chief Medical Officer, and  
 17 I think that that's what you had wanted to refer to  
 18 earlier in your evidence. So I just wanted to give you  
 19 the opportunity to answer that --  
 20 **A.** Thank you.  
 21 **Q.** -- or to give the evidence that ...  
 22 **A.** Well, I just think that's reflective of the push-back,  
 23 so I think, and I don't recall -- obviously, this  
 24 exchange, I wasn't copied in to it but the situation was  
 25 rapidly unfolding in Italy. As far as I remember there  
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1 is privy to the conversation? I think that was  
 2 something that we realised during the online meetings.  
 3 **LADY HALLETT:** And you could ban personal devices if you  
 4 wanted to.  
 5 **A.** In an in-person meeting, of course, yeah.  
 6 **LADY HALLETT:** It's obviously a breach of the  
 7 Ministerial Code --  
 8 **A.** It is.  
 9 **LADY HALLETT:** -- where you are meant with the highest  
 10 standard of propriety. Well, there's no way leaking  
 11 confidential information is maintaining the highest  
 12 standards, so ...  
 13 **A.** I agree with that.  
 14 **LADY HALLETT:** Thank you.  
 15 **MS DOBBIN:** Ms O'Neill, I said that I would take you back to  
 16 something that you raised, and I think hopefully you  
 17 have been provided with the document over the lunchtime  
 18 adjournment, so that I can ask you about this, and it  
 19 does -- it links to another topic that I also wanted to  
 20 ask you questions about.  
 21 Perhaps if we bring this document on screen, it's  
 22 INQ000309229.  
 23 I think, Ms O'Neill, this referred back to a point  
 24 you made earlier about the role of the Department of  
 25 Health at this early stage, and I think we touched upon  
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1 was advice sought in terms of a school trip.  
 2 **Q.** Yes.  
 3 **A.** And I think I questioned whether or not that should be  
 4 allowed to continue. But again, I clearly was pushed  
 5 back on that. I only can assume that's what that  
 6 reference refers to.  
 7 **Q.** Was there any concern on your part or the part of  
 8 Baroness Foster or a joint concern about the role of the  
 9 Chief Medical Officer and the extent, I suppose, of your  
 10 dependence on one principal person for medical or  
 11 scientific advice during this period? And I don't want  
 12 to put that too simply because I know that the Chief  
 13 Scientific Adviser also provided advice after March.  
 14 But, sorry, coming back to that, that primary question  
 15 about -- and maybe it goes a little bit further --  
 16 whether you had concerns about whether or not you had  
 17 sufficient access to a breadth of advice?  
 18 **A.** Yeah, I think we both would say that that -- I mean, we  
 19 were very reliant on the Chief Medical Officer, and let  
 20 me say again, a very, very, extremely challenging job to  
 21 do throughout the pandemic, for everybody in health, not  
 22 least CMO and the health minister. I think that we felt  
 23 that we had a lack of our own, to the Executive Office,  
 24 advice. So you had CMO, which sits probably neatly, in  
 25 one sense, within the Department of Health, and they  
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1 have their own autonomy and he is answerable -- CMO is  
 2 answerable to the minister of the day. What was very  
 3 clear in terms of the chief scientific advice, which  
 4 became the modelling and the other information that we  
 5 received, I think we agreed -- it's not I think, I know  
 6 we agreed that we should have had our own Chief  
 7 Scientific Adviser in place for the Executive.

8 I'm glad to say that we've actually since recruited  
 9 for that position. That was a lesson, an early lesson  
 10 learned for us in terms of what we need in terms of the  
 11 administration itself. And I think that person is due  
 12 to start in the coming days.

13 So that, I think, highlights, underlines that we did  
 14 feel that we needed additional advice and expertise in  
 15 terms of dealing with the gravity of the situation that  
 16 we had.

17 **Q.** So I think that deals with the Chief Scientific Adviser.  
 18 We know that the Chief Medical Officer was part of the  
 19 Department of Health, he was adviser to it and a member  
 20 of the senior management team. Did you perceive any  
 21 difficulty in terms of his being or having that role or  
 22 that lack of independence in terms of the provision of  
 23 advice to you?

24 **A.** I think it's fair to say that I did at times because  
 25 it's the advice that come -- it felt at times that the

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1 a particular approach that they had decided to take  
 2 and -- at that stage of the pandemic.

3 **Q.** We'll come back and deal with what happened in the  
 4 autumn in a little bit more detail. I think that the  
 5 counterpart to that or the counter argument or the  
 6 evidence that's been given about that is that those  
 7 individuals who thought that there needed to be a more  
 8 nuanced debate around impact on -- the indirect impacts  
 9 on health and the impact on economy didn't feel that  
 10 there was sufficient space to have that debate within  
 11 the Executive Committee, and I think -- and I think  
 12 maybe this was a point that Lord Peter Weir made -- that  
 13 the sense that the Department of Health wielded too much  
 14 power in those meetings, I think that's the counter  
 15 argument to that.

16 Do you have sympathy with that viewpoint on their  
 17 part? Or do you -- sorry, "sympathy" is probably the  
 18 wrong word. Do you understand why they might have had  
 19 that perception?

20 **A.** I understand that we had -- that we had difficult  
 21 choices to make in terms of trying to strike the right  
 22 balance at that stage of the pandemic where we're at,  
 23 what we're facing. I think, I mean, in that autumn  
 24 period in particular, and I don't want to use the wrong  
 25 quote, but I think the Chief Medical Officer said it was

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1 Chief Medical Officer was -- and again probably for the  
 2 right reasons -- trying to keep the lead of the response  
 3 and even that Cabinet exchange around: things must be  
 4 cleared by himself, no papers to come to the Executive  
 5 Office unless they were cleared by himself. There was  
 6 a general kind of sense of that perhaps too much -- too  
 7 much responsibility is vested in that one area, whereas  
 8 it's his job or any Chief Medical Officer's job to  
 9 advise and for ministers to decide.

10 **Q.** In the autumn when things -- when relations amongst the  
 11 Executive Committee were more difficult, do you think at  
 12 that point in time it might have helped to have someone  
 13 who was independent and providing advice to the  
 14 Executive Committee as opposed to being the adviser to  
 15 the Department of Health?

16 **A.** I think the problems that we faced in the autumn -- and  
 17 I did get to hear some of Minister Poots' evidence,  
 18 where he stated that the DUP had taken a certain  
 19 position in the autumn time, that they wanted to put  
 20 a mark down that they were approaching that run of  
 21 meetings that were quite difficult with a particular  
 22 strategy in mind. Could an independent voice in the  
 23 middle of that have helped? Sure, it wouldn't have done  
 24 any harm, of course, but I think that the problems that  
 25 we faced unfortunately at that time were due to just

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1 the gravest he'd seen it at that time.

2 **Q.** I think he said on 8 October that he was never more  
 3 concerned than he had been --

4 **A.** Yes.

5 **Q.** -- as Chief Medical Officer.

6 **A.** Yes, and I think then when you have that weighing on you  
 7 and you're trying to get the right balance between  
 8 what's the right health intervention to suppress the  
 9 virus and at the same time trying to get the balance  
 10 right between livelihoods, because people were really  
 11 suffering, mental health was very prevalent, people were  
 12 getting it really, really tough, it was a difficult  
 13 year, people were tired. It just was, I think,  
 14 a very -- a very -- getting to, kind of, a fraught place  
 15 in general for people who just -- being fed up with  
 16 Covid at that stage in the general public.

17 But, I mean, I don't think, regardless of what we  
 18 would have had in place, the fact that Edwin Poots has  
 19 said they had deliberately come in with a particular  
 20 plan to vote against regulations then that makes it very  
 21 difficult regardless of who is trying to chair the  
 22 meeting or trying to get a consensus view.

23 Look, I think, again, I don't take away from anybody  
 24 because I think everybody was trying to get the balance  
 25 right and I don't think any of us had the perfect -- the

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1 perfect decision point or, you know, could put our hand  
2 up and say, you know, that that was an A star approach.  
3 I think the difficulty that we had all the time was  
4 trying to get that balance. But the gravity of the  
5 situation facing us in the autumn was what the Chief  
6 Medical Officer had said in October, but then took  
7 a few weeks before they come back in terms of asking for  
8 more restrictions to be put in place.

9 So I understand where the DUP were coming from but  
10 I would also put it in a bit of context that they are  
11 more of a libertarian view, they wouldn't -- they're not  
12 very -- they don't find favour with intervention, with  
13 trying to intervene and bring in the regulations that we  
14 were, so I think there was a bit of an ideological  
15 approach as well to the meeting.

16 **Q.** Okay. I will come back to that meeting but just for now  
17 I'm just trying to stay on the issue of the Department  
18 of Health and also on the concept of the lead department  
19 as well, and obviously we did touch upon that earlier in  
20 your evidence. I wanted, first of all, to ask you about  
21 an email -- so I'm going to try and do this over a --  
22 quite a significant period of time and try and  
23 bookend it.

24 **A.** Okay.

25 **Q.** The Inquiry has seen an email of yours that's dated  
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1 being asked about things that you're blindsided on,  
2 which isn't helpful in terms of trying to communicate.

3 So I think this is a thread that ran the whole way  
4 through, and I think what both herself and myself are  
5 reflecting, this is the conversation with Jenny Pyper,  
6 who became our new interim HOCS, was that we needed her  
7 help to come in to try to grab this, so that we moved  
8 away from this circuit-breaker approach and into a more  
9 considered -- because obviously this evolved the whole  
10 way through the pandemic from first iteration to where  
11 we were with this piece of work.

12 And it tried to reflect just the change in space,  
13 but there were things that were frustrating,  
14 legislation, regulations being brought forward, we would  
15 announce them, but then whenever the legislation was  
16 brought forward, it perhaps had a different meaning and  
17 there were problems just in terms of turning that around  
18 in real time.

19 So we were trying to reflect that with Jenny, and  
20 I think Jenny also did a good job in terms of coming in  
21 and helping us to try to turn this piece of work around.

22 **Q.** I think is that then what led to the Executive  
23 taskforce --

24 **A.** Yes.

25 **Q.** -- as a better model perhaps of co-ordinating what you  
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1 26 March, and -- sorry, it's not an email from you, it's  
2 an email that conveys what you said, that you felt that  
3 you needed to be driving the crisis and that you needed  
4 to be in control. And I think that when it got to  
5 December -- and perhaps we can bring this up and bookend  
6 it.

7 It's INQ000391436.

8 This is a meeting from 1 December 2020. We can see  
9 the points that the First Minister was making.

10 And then if we just go to the points that you were  
11 making -- thank you.

12 So I think that point "We're left not knowing and  
13 left to front things", that might be a theme that can  
14 be -- or a line that can be drawn from the  
15 communications around March until this period of time.  
16 So I suppose the first question is whether or not that  
17 concern that you weren't being provided with information  
18 in a timely enough way, whether that did endure in fact  
19 until December 2020?

20 **A.** I think it's fair to say yes, because there was  
21 frustration at times where we would read on media  
22 reports a latest presentation from the Department of  
23 Health, and it isn't something that was brought to our  
24 attention in advance, so therefore myself and Arlene  
25 would be going out to do media, et cetera, and you're  
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1 wanted to do?

2 Thank you, that can come down.

3 I wanted to go back again in time, but not to dwell  
4 on it, Ms O'Neill, after the funeral and the meeting  
5 that we've seen on 2 July, we understand that relations  
6 between you and the First Minister became difficult and  
7 that you stopped doing joint press conferences together.  
8 Is that right?

9 **A.** That's right.

10 **Q.** And certainly Mr Swann gave evidence that he regarded  
11 that as a really important thing, because before that  
12 you had been able to present a united front to the  
13 people of Northern Ireland. And I think you do accept,  
14 from what you've said before, that obviously your  
15 actions had led to damage with your colleagues on the  
16 Executive Committee?

17 **A.** Yes, I accepted that, and accept it again today. We'd  
18 all been working very hard and it would never be my  
19 intention to try to -- I would never set out  
20 intentionally to try to damage things, but it did damage  
21 things, and we did stop doing the joint press conference  
22 for a period of time, but I immediately set myself to  
23 the work of trying to rebuild that trust and confidence,  
24 and I was glad then that we were able to get back into  
25 doing joint press again from September.  
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1 Q. So it was from September onwards, and there will be  
2 questions obviously, I understand the point you might  
3 make that that, I think, was not your choice but that  
4 the First Minister felt she couldn't appear on  
5 a platform with you --

6 A. Yes, that's correct. We had a conversation about that  
7 and that's what the outcome of it was, yeah.

8 Q. All right. But just moving on from that, and I suppose  
9 the other question that arises is whether or not you  
10 accept that you may have contributed at that point in  
11 time to a loss of confidence on the part of the public  
12 in adhering to the regulations?

13 A. I think I've said that, I mean, I think that you can't  
14 quantify that, but of course people would have had their  
15 view, and I've said I was wrong to go, and I accept,  
16 you know, that that did damage that public confidence.  
17 But equally I would say that I worked really hard to try  
18 to gain that back and to build the confidence and the  
19 trust and to lead us for the next year and a half  
20 through the pandemic.

21 Q. It's not been suggested that that was the sole factor  
22 that contributed to perhaps a tailing off of public  
23 adherence to regulations?

24 A. No, because I think that -- to reverse back a bit,  
25 I think that we've reflected on just where we were at

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1 Q. We obviously come, then, I won't take you through you  
2 everything that happened leading up to the difficult  
3 meeting that took place in November, but in terms of the  
4 factors that contributed to that meeting being so  
5 difficult, was one of them that your relations with  
6 other members of the Executive Committee had been  
7 damaged and remained damaged?

8 A. No, I believe that we're all mature politicians and  
9 I think that we had that period, and in particular  
10 perhaps Arlene and I not doing the joint pressers for  
11 that six-week, I think, or eight-week period, but after  
12 that we came back. I mean, we were back at the  
13 Executive the week after that, we were back at the  
14 Executive the whole way through, and I think we did get  
15 back in terms of trying to respond to the pandemic and  
16 to do our jobs collectively, which I think is fair to  
17 say that that's what we tried to do.

18 Q. All right. I'm going to move on then to another topic,  
19 if I may, and it's the question of the consideration  
20 that was given to equality considerations, particularly  
21 at the outset of the pandemic, and the consideration  
22 that was given, for example, to disabled people in  
23 Northern Ireland and the consequences that lockdown  
24 might have.

25 Do you accept that inadequate consideration was

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1 that time of the year, after people living with horrific  
2 restrictions and what it meant for them and people were  
3 struggling with mental health, people were struggling  
4 financially, people were struggling just in general with  
5 their world being turned upside-down, so I think  
6 compliance became more difficult for us in the latter  
7 part of that year, particularly as we were going through  
8 that more difficult period, and it was clear that we  
9 needed to try to intervene to try to reset that, and  
10 I think, then, compliance, I think people understood the  
11 severity again of the situation and broadly were more  
12 compliant.

13 Q. At this point in time there appears to be suggestion  
14 that there were concerns about the lack of enforcement  
15 on the part of the police. Was that a concern that you  
16 had coming into the autumn of 2020?

17 A. I think it was an issue that the Department of Justice  
18 and Minister Long would have raised, that -- perhaps  
19 thought that whilst obviously in the first instance we  
20 all agreed it was much better to try and take people  
21 with us and not go down the enforcement route but there  
22 was a proposal brought forward that we needed to look at  
23 the level of fine, and I think some of that work  
24 originated in the work that the junior ministers were  
25 doing in terms of enforcement as well.

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1 given to them, particularly in those early stages, and  
2 that there was a lack of understanding as to the  
3 implications that lockdown would have for them?

4 A. Yes, I think we all have to reflect hard on that,  
5 because I think that the speed in which we were trying  
6 to take decisions, the fact that we suspended our normal  
7 equality impact assessment approach, the fact that we  
8 were trying to mitigate as best we could, but we  
9 certainly did not get it all right and a blanket  
10 lockdown is always going to probably hurt the more  
11 marginalised even further.

12 So I think this is an area where we have to do huge  
13 soul searching. I mean, I listened to the impact  
14 statement, I think the lady's name was Joanne, and left  
15 behind. I mean, we wouldn't ever, ever -- and she  
16 asked, actually, that we never repeat that again, and  
17 that needs to be the learning that we take from how we  
18 responded to people with disabilities, minority ethnic  
19 groups, people out there in society that were just more  
20 vulnerable.

21 I think that -- even though I think we tried to do  
22 some very good work -- and, I mean, I think nobody could  
23 in any way question the community response to the  
24 pandemic, the fact that we are just a small kind of  
25 unique entity here, in terms of everybody knows

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1 everybody, the fact that government was able to work  
2 with local government, we were able to work with  
3 community and voluntary sector, we were able to work  
4 with the art sector, the sporting community, the fact  
5 that we were able to turn around food boxes, get them  
6 directly out to people, the free school meals issue  
7 between education and DfC, some of the economy  
8 initiatives, I think we tried to provide mitigation but  
9 it definitely didn't touch everybody and I think we have  
10 to be very cognisant of that and ensure that that is  
11 a huge, huge lesson learnt.

12 **Q.** As you say, in a society which is small and in which  
13 people know each other very well, and perhaps  
14 politicians like you feel closely connected to their  
15 communities, and very much part of their communities, it  
16 might be thought all the more surprising that there  
17 wasn't a greater level of understanding of the needs  
18 that people would have at a deeper level than food  
19 delivery or children getting free school meals?

20 **A.** I think it goes a lot deeper than that. I mean, I think  
21 that -- I am very, very glad that we had a local  
22 administration in place, I'm very glad that we had local  
23 ministers who had that local knowledge, and I'm very  
24 glad that the initiatives that were brought forward,  
25 whether that be some of those that I've referred to,

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1 provided guidance about freeing up -- I'm putting this  
2 in my words rather than the technical language that was  
3 used -- hospital space by utilising capacity within the  
4 care sector.

5 Were you -- first of all, did you know at the time  
6 that that was the guidance or the position being adopted  
7 by the Department of Health?

8 **A.** In terms of that document that was published, I'm not  
9 sure. I know that the Inquiry is going to look in some  
10 detail around care homes, and I think this is, again,  
11 one of those areas that we must reflect on.

12 I know that I was concerned from very early on in  
13 terms of the discharge of people from hospital without  
14 being tested, and raised these issues, and I think  
15 perhaps that is reflected in Executive meetings.

16 You know, I don't think -- again, it's a deep source  
17 of pain for all those families that were impacted by  
18 care home -- the care home situation, not least not  
19 being able to get access to visit their loved ones  
20 that -- I mean, I had raised consistently the issue of  
21 testing, the WHO advice, the ECDC advice was test, test,  
22 test, and I felt that that wasn't being done in the way  
23 in which it should have been, particularly in those  
24 early days. I think that eventually there was -- it got  
25 to a point where it was much, much improved, but in

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1 prescriptions being delivered to people's homes, but  
2 I also absolutely accept that we didn't and couldn't  
3 mitigate against all the impact of the pandemic. And if  
4 there's a workstream in terms of what we need to do  
5 better, this has to be a priority area that we have to  
6 get right.

7 And I listened to some of the -- I read, sorry, some  
8 of the Disability Action testimony and, like, no  
9 minister would think that that is comfortable reading,  
10 no minister would accept that that is a good enough  
11 space for us to be in. So, absolutely, this has to be  
12 an area where lessons will be learnt.

13 **Q.** Of course one of the constituencies of people who stood  
14 to be most affected were older people and people who  
15 live in care homes; do you agree?

16 **A.** Yes.

17 **Q.** And we saw that at the very outset of the pandemic in  
18 January 2020, in the briefing that that you were  
19 provided with. Do you recall we saw that?

20 **A.** Yes.

21 **Q.** It said that older people and those who already had  
22 conditions stood to be disproportionately affected.  
23 The Inquiry's also seen the guidance that was given by  
24 the Department of Health, perhaps particularly in the  
25 planning document from mid-March to mid-April, that

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1 those early days it certainly wasn't, and I know that  
2 the Inquiry's asked me to just comment briefly as part  
3 of the statement, but I'm absolutely willing to  
4 participate in more detail in terms of the care home  
5 issue in further modules because I think that we have to  
6 get to the bottom of this and this is one of those  
7 things, again, that needs to be got right if we ever --  
8 when we find ourselves in this position again, because  
9 inevitably we will.

10 **Q.** Yes. I think in terms of the testing, though, and,  
11 for example, the capacity of organisations like the PHA,  
12 we know that they didn't -- there wasn't the capacity to  
13 scale up testing, the Inquiry has heard that, and that  
14 the PHA had limited people to engage in tracing.

15 But again, those weren't issues over which anyone or  
16 the Executive Committee was exercising any form of  
17 collective scrutiny in those months of February and  
18 March. We've seen that, haven't we?

19 **A.** Yeah, well, I would say again, I mean, operational  
20 responsibility for care homes absolutely fell within the  
21 Department of Health, and therefore that's why you see  
22 the plans coming from the Department of Health, but  
23 I can categorically say that within Executive meetings,  
24 repeatedly Executive ministers were raising not just the  
25 issue of testing, PPE for staff, testing for staff, we

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1 were also offering up that there were community  
2 solutions to testing, that there were community and  
3 voluntary groups out there that were willing to  
4 participate and help the PHA, and we were encouraging  
5 the PHA to take that approach.

6 Unfortunately this is an area that, certainly in  
7 those early days, was absolutely not -- not fit for  
8 purpose and did not serve those residents of care homes  
9 well.

10 **Q.** I think I'm just going to unpick a few bits of that.  
11 I think the raising of concerns about care homes, it  
12 comes a bit later, doesn't it? I think that we start to  
13 see concerns about being raised about care homes,  
14 I think, probably -- and I can check this -- but I think  
15 that from maybe around April time concerns start to be  
16 raised?  
17 **A.** Yes, because at that time, again, the situation's still  
18 rapidly deteriorating, and -- but the Department of  
19 Health have operational responsibility in terms of care  
20 homes and, again, the legislative provisions, it's not  
21 for us to overreach in terms of their remit. However,  
22 we didn't accept that, and I think it's fair to say  
23 that -- I think the minutes will reflect -- probably  
24 every minister was raising this issue as something that  
25 we need to get ahead of and that it wasn't good enough

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1 **A.** Yeah, but I didn't accept that, because I felt that  
2 there were other ways in which the capacity we could  
3 have -- capacity could have been achieved, because we  
4 had people who were volunteering to come forward, and  
5 staff testing centres, and do things to assist in the  
6 pandemic. And I think unfortunately that wasn't taken  
7 up, but I can't speak for PHA's thinking as to why they  
8 didn't take that up, but they clearly articulate  
9 staffing as a problem.

10 There is no doubt the system was stretched but these  
11 are the most vulnerable people and it should have been  
12 better.

13 **Q.** I'm not sure that it was a question of staffing being  
14 stretched at this stage. It would appear -- but you may  
15 know differently -- that the issue was that there wasn't  
16 testing capacity, rather than having people to go and  
17 administer staff. Is that your understanding, that  
18 that --

19 **A.** Probably -- I think it was both that was being  
20 articulated at the time.

21 **Q.** I think, in fact, it's correct that, in terms of testing  
22 for asymptomatic people, I think that testing every  
23 two weeks wasn't introduced until about August 2020;  
24 does that accord with your understanding as well?

25 **A.** I don't recall the exact date but I know that it came

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1 in those early days, and I think we all will accept that  
2 even now, in terms of collective responsibility again.

3 **Q.** From I think the underlying documents that we've seen,  
4 in terms of testing for people -- just focusing on  
5 testing for people coming out of hospital, that  
6 certainly in and around 18 April, and I think it was  
7 announced on 19 April, that it was then that all  
8 discharges to care homes, so all individuals being  
9 discharged to care homes, should be tested for Covid-19.  
10 So, I mean, that's obviously a long -- it's a long way  
11 down the line, isn't it?

12 **A.** But I can -- you can see throughout all of the minutes,  
13 the whole way through, from -- that I have consistently  
14 raised the issue of: why aren't we just testing  
15 everybody? Not just symptomatic or asymptomatic, why  
16 are we not just blanket testing? Because I was  
17 concerned. As soon as these issues were brought to my  
18 attention, that was whenever I was constantly raising  
19 them, and they were brought to our attention by  
20 families, by loved ones, by people who work in the care  
21 home sector. And, as I said, I think nobody can say  
22 anything other than this initial response to care homes  
23 wasn't good enough.

24 **Q.** Because it was being raised, but I think the answer was  
25 "because we don't have capacity", is that right?

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1 later, yes.

2 **Q.** All right. But again you accept that that's far too  
3 late in the piece?

4 **A.** As I was saying from day one, "Test, test, test", "Test,  
5 trace and isolate", these were the advice that we would  
6 be giving, and that didn't happen in the department.

7 **Q.** Do you regard that again as being a failure of  
8 collective responsibility, that the infrastructure  
9 wasn't in place or that the plans hadn't been made in  
10 order to ensure that --

11 **A.** I'm not trying to distance ourselves from this issue,  
12 because I think, really, what the public need to hear is  
13 that we're going to do better and that we're going to,  
14 you know, arrest -- and make sure that this never  
15 happens again, but operational responsibility for this  
16 issue fell within the department, just as operational  
17 responsibility for responding to communities fell within  
18 the Department for Communities, or operational  
19 responsibility for schools fell -- legislatively fell  
20 within those remits. But that being said, I think we  
21 should all not be too guarded about accepting that care  
22 homes could have been better, and we need to learn that  
23 lesson.

24 **Q.** Can I just ask about that. So if it's clear or if the  
25 First Minister and the deputy First Minister have

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1 a concern that a critical aspect of a response to  
 2 a pandemic isn't being delivered, and people's lives are  
 3 being put at risk, are you suggesting that there isn't  
 4 really anything that they can do about that apart from  
 5 asking about it in the Executive Committee or --

6 **A.** Trying to influence it -- I'm just -- I'm just  
 7 articulating the legislative position that you can't  
 8 direct another minister from another party -- again, it  
 9 goes back to our unique system of governance, you can't  
 10 direct, as First Minister and deputy First, another  
 11 minister to do a certain thing that's within their  
 12 operational responsibility. You can try to influence,  
 13 which is usually how these things happen, but I'm just  
 14 setting out that's the legislative position within the  
 15 department.

16 **Q.** Right. I'm going to deal with a separate issue, then,  
 17 and that relates to informal communications, Ms O'Neill.  
 18 I think you deal with this in your statement, but  
 19 I think just to be clear about it, I think that you  
 20 accept that you cleansed or wiped your devices when the  
 21 power-sharing arrangements came to an end; is that  
 22 right?

23 **A.** That's right.

24 **Q.** So did you delete them in and around February, I think  
 25 it was February 2022, or was it later than that?

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1 capacity with officials. So I'm confident that all  
 2 those decisions were recorded.

3 I have been a Minister of Health, I have been  
 4 a minister for agriculture and rural affairs, and  
 5 I noted other ministers, Minister Long, had the same  
 6 approach as I, in terms of clearing your device because  
 7 of sensitive information before you hand it back to the  
 8 department, because it's going to be redistributed to  
 9 another member of staff. And that was being -- that was  
 10 the process which we had in previous departments as  
 11 well. So that would be why that approach was taken.

12 **Q.** I just want to check your witness statement.

13 **A.** Sure.

14 **Q.** I think what you say, I'm referring to your statement of  
 15 March 2024, I think if we look at paragraph 396 -- and  
 16 perhaps if that could be brought up on screen, it's  
 17 INQ000436641.

18 What you say in your statement is:  
 19 "I would occasionally have used WhatsApp, text  
 20 messages and iMessages to communicate about logistical  
 21 or administrative matters. This would have included  
 22 confirming availability or changing timings for meetings  
 23 and notifications that papers had been emailed or were  
 24 cleared. I did not use WhatsApp, text messages or  
 25 iMessages to communicate about matters related to the

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1 **A.** Yeah, I'm assuming whenever I left office, yes.

2 **Q.** All right. I also think it's correct that if we look,  
 3 for example, at the messages between you and  
 4 Baroness Foster, that it's right that those messages do  
 5 discuss substantive matters about the response to the  
 6 pandemic?

7 **A.** No messages ever -- there may have been a to and fro and  
 8 a conversation outside of a meeting but the official  
 9 record was the official record in terms of decisions  
 10 made, and I was confident that any decision-making that  
 11 we -- if Arlene and I couldn't decide on a message to  
 12 decide to do something, we would have to bring it to the  
 13 Executive, so all decisions were recorded on the  
 14 official record in terms of what the Civil Service hold.  
 15 And that was a requisite of -- even the RHI Inquiry,  
 16 where all records must be kept, notes of meetings,  
 17 everything must be recorded, and --

18 **Q.** Yes, it's not just decisions that have to be recorded,  
 19 though, is it, it is discussions around them, it's --  
 20 there are rules, aren't there? There's guidance about  
 21 what should be retained and committed to the official  
 22 record; yes?

23 **A.** Yes, but I'm confident that all decisions and -- because  
 24 we would have maybe had an initial conversation, but  
 25 that didn't prohibit a conversation in an official

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1 response to the pandemic ... other than logistical and  
 2 administrative matters."

3 So you weren't in your witness statement confining  
 4 that to decisions that were made, were you?

5 **A.** Probably just in terms of how I read that, I can see  
 6 given that message that you've just referred to how that  
 7 would be taken that way. I can just say that I was  
 8 assured that the official record was being recorded and  
 9 that -- and I know that any exchanges that I have on any  
 10 of the devices are with the official system through all  
 11 the private office staff, I think they've all been  
 12 shared with the Inquiry, so I think that everything that  
 13 was exchanged with me from anybody in the department,  
 14 the Civil Service, should all be on the public record.

15 **Q.** Sorry, I'm just -- I want to be clear and I want to be  
 16 fair about this. I mean, you are quite clear in your  
 17 statement, aren't you, about saying that you would only  
 18 use -- or that you would occasionally have used WhatsApp  
 19 to communicate about logistical and administrative  
 20 matters; correct?

21 **A.** Yes.

22 **Q.** And you appear to repeat that. Is that correct or not?

23 **A.** I think it's fair to say, given what we're talking  
 24 about, "I did not use these platforms for any policy,  
 25 financial or political discussions of our response to

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1 Covid", when I make that statement I'm referring to  
2 being of the understanding that everything is recorded  
3 in terms of decisions on the official record, but I'm  
4 happy to correct that if you think that that's  
5 appropriate.

6 **Q.** Well, I mean, if we look, and we've looked at some of  
7 the messages between you and Baroness Foster, but if we  
8 look -- I mean, we can look at it again.

9 At INQ000400592, perhaps if we go to page 5 of that.  
10 I think we can see a discussion about, I think this  
11 is the Minister of Finance, with reference to Conor,  
12 with references to rates papers.

13 If we scroll down, please, and perhaps we can maybe  
14 just go to page 10.

15 So we can see there, if we look at 22 May -- sorry,  
16 22 May 2020, Baroness Foster's asking you about your  
17 views about the quarantine fine:

18 "I think it should be £1,000 ... £60 [would be]  
19 derisory ..."

20 And I think page 17, if we just scroll down, please,  
21 again we can see Baroness Foster asking you for your  
22 view on Portugal.

23 If we just carry on down, please.

24 So I think that just provides some examples,  
25 Ms O'Neill, of the kind of discussions that you were

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1 them "business" to just cover the range of government  
2 topics that you're discussing with Baroness Foster; yes?

3 **A.** Yes.

4 **Q.** And I think we can agree that this isn't just about  
5 meeting or administration; do you agree?

6 **A.** Yes, I do agree.

7 **Q.** And do you also agree that the duty to record  
8 information, the duty on you as a minister, isn't just  
9 about the formal record, so to speak, or recording  
10 decisions; yes?

11 **A.** Yes.

12 **Q.** You have --

13 **A.** But I think I worked on the basis that all official  
14 decisions would be recorded, but I absolutely can hear  
15 or listen to what you're saying in terms of developing  
16 conversation that eventually ended up in an official  
17 Executive decision.

18 **Q.** I'm not -- I'm just trying to, I think, understand what  
19 you understand your duties were to record information  
20 and to ensure that it's committed to the official  
21 record.

22 So do you accept that there's a duty to commit  
23 official discussions about business matters to the  
24 record?

25 **A.** Yes, I do.

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1 having with Baroness Foster; yes?

2 **A.** Yes.

3 **Q.** And these are certainly not just administrative matters,  
4 are they, or fixing dates for meetings?

5 **A.** No, you're right there, they are an exchange around  
6 issues, but they will not be the formal record of any  
7 decision that would be made. That will come to the  
8 Executive.

9 **Q.** The duty to record isn't just confined to a formal  
10 record, is it?

11 **A.** Well, I can accept that, that -- on reflection. But  
12 I don't have these messages so I couldn't -- when  
13 I looked I didn't have anything like this to give you,  
14 so -- and I hadn't read this until now. But I can  
15 reflect that even though I understood that to be the way  
16 in which to do things in terms of my previous experience  
17 as a minister, obviously it would be much more fulsome  
18 if I had that -- these same records to give to you, and  
19 I can correct my statement.

20 **Q.** Just focusing, first of all, on the fact that you're  
21 having substantive -- or you're certainly discussing  
22 business issues, if I can put it like that, by WhatsApp,  
23 aren't you?

24 **A.** Sorry, say that again.

25 **Q.** You're certainly discussing business issues, I'm calling

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1 **Q.** And do you accept that this sort of discussion is the  
2 sort of thing that has gone -- it's moved into the  
3 territory of a business, I mean, a government business  
4 discussion and that it ought to form part of the formal  
5 record?

6 **A.** Yes, I do.

7 **Q.** So putting that to one side, Ms O'Neill, because that's  
8 a separate issue from the question of this Inquiry and  
9 the duties that were owed to this Inquiry, you were  
10 informed, weren't you, by Ms Brady about your  
11 obligations to the Inquiry and to ensure that all  
12 evidence and information for it was retained?

13 **A.** I don't recall -- I'm sorry, I don't recall the  
14 conversation, but I have read the submission that came  
15 up, so clearly I must have received it.

16 **Q.** So is that the submission, I think it's dated  
17 21 November 2021?

18 **A.** That's right.

19 **Q.** So you accept that she provided you with guidance about  
20 your duties in respect of this Inquiry and what ought to  
21 be retained for it?

22 **A.** Yeah, I can only accept that I did receive that  
23 communication. I don't recall it, but I can only accept  
24 that I did.

25 **Q.** Do you also accept that she provided with it the legal

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1 guidance that had been generated by the Departmental  
2 Solicitor's Office?  
3 **A.** No, I can't recall seeing that.  
4 **Q.** Are you aware, though, that she attached it to that  
5 submission?  
6 **A.** I'm aware from reading that submission that it was, but  
7 I don't recall seeing it.  
8 **Q.** And would you have read that at the time?  
9 **A.** I'm assuming anything that's put in front of me that  
10 I will, of course I will read it, but I just don't  
11 recall it.  
12 **Q.** That guidance, the legal guidance gave an instruction  
13 about the retention of material for the Inquiry, and it  
14 included -- I can take you to it if you --  
15 **A.** No, it's okay. I take your word.  
16 **Q.** -- if you want to, it included the instruction that  
17 informal communications would fall within the material  
18 that might have to be disclosed to the Inquiry; yes?  
19 **A.** Yes.  
20 **Q.** And have you seen that, Ms O'Neill?  
21 **A.** This guidance?  
22 **Q.** Yes.  
23 **A.** Yes.  
24 **Q.** Have you seen the guidance?  
25 **A.** Yes.

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1 **Q.** It's not just about messages with Baroness Foster, is  
2 it? I mean, you deleted your entire -- all of your  
3 devices, as I understand it, that you had; yes?  
4 **A.** Yes, my personal phone which I would do frequently in  
5 terms of just the level of sensitive information that  
6 I would have on my phone.  
7 **Q.** So this wasn't a -- you weren't discriminating --  
8 **A.** Absolutely not.  
9 **Q.** -- you weren't thinking, "I'll delete some of that" and  
10 "I will keep that", it was your entire device, wasn't  
11 it?  
12 **A.** Yes, absolutely not, and I would reset my phone  
13 regularly, just in terms of security and not leaving my  
14 phone down somewhere with anything sensitive in relation  
15 to it. So that's something that I would do routinely on  
16 an ongoing basis and have done since probably coming  
17 into elected office, particularly at a higher government  
18 level.  
19 **Q.** Given the clarity of advice that was provided by the  
20 Departmental Solicitor's Office, why did you reset your  
21 device after it had been given?  
22 **A.** Again, I was working on the basis that everything that  
23 was held in the central record was disclosing everything  
24 that I was engaged in, in terms of any correspondence,  
25 so I thought the official record held every piece of

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1 **Q.** So do you accept that the guidance is quite clear that  
2 that's what you ought to have done?  
3 **A.** Yes, but I think also in that document it talks about  
4 the official record and how it would be recorded, and  
5 I can accept that I wrongly was working on the  
6 assumption that everything that is recorded through the  
7 system would be officially on the official record, but  
8 on hindsight, absolutely, of course, those exchanges are  
9 talking much more than logistics, so I can accept that.  
10 **Q.** But the legal guidance that was generated was quite  
11 clear, wasn't it, that information or that WhatsApps  
12 might fall within the material that had to be disclosed  
13 to the Inquiry; yes?  
14 **A.** Yes, okay. Yes. I think -- as I say, I don't recall  
15 reading that advice, I do remember from reading the  
16 submission that talked about the official record and how  
17 everything was being recorded, I remember conversations  
18 about all of that, but I accept that I should have kept  
19 my additional exchanges with, in particular with Arlene,  
20 and anything else that was relevant.  
21 **Q.** Well, you were duty-bound, weren't you --  
22 **A.** Sure.  
23 **Q.** -- to retain all information, regardless of format, that  
24 might be potentially relevant to the Inquiry?  
25 **A.** And I thought that I did but clearly I didn't.

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1 communication. As I said, I am aware that every piece  
2 of communication with any department official, head of  
3 Civil Service, even Arlene from what she was able to  
4 provide, the -- I worked on the basis that everything  
5 was in the system. Clearly that's not how it's  
6 transpired.  
7 **Q.** Did you regularly analyse or go through your WhatsApp  
8 messages to work out what should be committed to the  
9 record before you deleted your devices?  
10 **A.** But I worked on the department phone and in my own phone  
11 it would be just on rare occasions as opposed to  
12 anything on an ongoing way.  
13 **Q.** Sorry, let me just be clear about this. These messages  
14 or these WhatsApps that you exchanged with  
15 Baroness Foster, are they on your personal phone or your  
16 business phone?  
17 **A.** You see, I don't know because I didn't have those  
18 exchanges, so I'm not sure. I'm assuming my department  
19 phone.  
20 **Q.** We can check, we've assumed --  
21 **A.** Okay.  
22 **Q.** -- that it's your departmental phone.  
23 **A.** Yeah, I can only assume --  
24 **Q.** -- doubt about that --  
25 **A.** -- think that was how we communicated.

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1 **Q.** But in terms of wiping your device, what I'm trying to  
2 understand is whether, before you would periodically do  
3 that, as you've suggested, whether you would go through  
4 any exercise of checking whether or not there's  
5 something that you should commit to the official record  
6 before you wiped it?

7 **A.** I think all of this has become more crystal clear in the  
8 event of the RHI report, and we all now know that that's  
9 how we conduct ourselves. If I had a meeting in the  
10 hallway with someone I would have to tell my official  
11 about it and it would have to be written down and  
12 commended to the official record.

13 As far as the pandemic period's concerned, I was  
14 working on the basis that I had committed everything  
15 that I needed to to the Inquiry. I don't have the  
16 personal phone but I think every other exchange in terms  
17 of with the Civil Service itself is there for the  
18 Inquiry to see.

19 **Q.** Just to be clear about this, that's because some people  
20 who worked with you still had their devices intact;  
21 correct?

22 **A.** And they're the official holder of the information as in  
23 the civil servants.

24 **Q.** But what I mean is, we haven't got anything from your  
25 phone because it was wiped; yes?

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1 fine.

2 **LADY HALLETT:** No, just I think Mr Scott being careful.  
3 Probably best, if you don't mind.

4 I'm sorry, we're going to have to break again, but  
5 we need to ensure that the stenographer has proper  
6 breaks. So even if we are mid-topic, it is probably --  
7 as we have now broken, I will come back at 3.30.

8 **MS DOBBIN:** Okay.

9 (3.12 pm)

(A short break)

11 (3.30 pm)

12 **LADY HALLETT:** Ms Dobbin.

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

14 Ms O'Neill, just before that short adjournment,  
15 I think that you had accepted that, first of all, you  
16 knew about this Inquiry; yes? You had been provided  
17 with a ministerial submission on the need to retain  
18 information for it, and you had also been provided with  
19 legal guidance that pointed out the need to -- or that  
20 WhatsApp material or informal communications was also  
21 the sorts of material that needed to be retained for  
22 the Inquiry. Yes?

23 **A.** Yes, yeah.

24 **Q.** But nonetheless you went ahead and you wiped, I think,  
25 your own devices; is that correct?

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1 **A.** Yes, but as per what I understood to be the practice, as  
2 did Minister Long, from being in previous departments,  
3 that a minister's phone would be reset on return.

4 **Q.** Yes, but I think just coming back to the point, and what  
5 you understood your duties to be, first of all, I think  
6 the RHI report was published at some stage in 2020;  
7 correct?

8 **A.** We were just actually trying to work our way through the  
9 recommendations of it when we came back into office.

10 **Q.** Yes, so in 2020 --

11 **A.** January, yeah.

12 **Q.** -- we're discussing February 2022, and added to whatever  
13 the RHI said you had been given clear advice that you  
14 should be retaining WhatsApps; yes?

15 **A.** Yes, but I believe I've misunderstood exactly what  
16 I should retain and thought I had retained everything  
17 that was relevant to the Covid decision-making process.

18 **MS DOBBIN:** My Lady, I have been given a note to say that we  
19 are going to break at 3.05.

20 **LADY HALLETT:** We were meant to be breaking at -- yes,  
21 of course, ten to we started. How much longer do you  
22 have on this topic?

23 **MS DOBBIN:** I think it's almost finished, but if you  
24 would -- sorry, I had understood that there was  
25 an imperative to finish, but if there isn't, that's

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1 **A.** Yes.

2 **Q.** So you didn't return them to your office, your  
3 private office, so that they could return them to  
4 IT Assist?

5 **A.** No, as I explained --

6 **Q.** You actually did it yourself?

7 **A.** -- I did it -- previously did, yes.

8 **Q.** Can you just explain why, in light of everything that  
9 you knew, you went ahead and did that, in other words  
10 notwithstanding all of the instructions that you had  
11 been given?

12 **A.** I think two things. I think, firstly, I wiped the  
13 device, as Minister Long explained, because we thought  
14 that was our custom and practice in terms of  
15 departmental phones being returned. Secondly, that  
16 I believed that the official record was recorded and  
17 populated. And thirdly, clearly a misunderstanding on  
18 my part in terms, like, informal communications and what  
19 actually that meant. But, by and large, I'm satisfied  
20 that the vast, vast majority of everything that  
21 I communicated was on the device and hopefully on the  
22 official record, but I concede that my understanding of  
23 the WhatsApp and informal communication is not where it  
24 should have been.

25 **Q.** You might be satisfied of that, Ms O'Neill, but this

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1 Inquiry doesn't have the chance to be satisfied about  
2 what's contained on your device, does it?  
3 **A.** Sorry, I meant I'm satisfied -- I was satisfied,  
4 I thought the record was recorded, but absolutely I take  
5 the point about the Inquiry not being satisfied that  
6 I don't have that additionality to bring to what is  
7 already on the record.  
8 **Q.** And you must have understood from the advice that you  
9 were given that the Inquiry foresaw and understood that  
10 there might be value in having informal communications  
11 retained for the purposes of its work?  
12 **A.** And, again, I can only say that I didn't use that device  
13 for -- in the main, for anything other than just if,  
14 for example, I was online and I needed to make  
15 arrangements or things like that, but, by and large,  
16 I was of the view that I didn't have anything on those  
17 devices that would have been for the Inquiry, I thought  
18 that was all in the official record but, with hindsight,  
19 I reflect on that.  
20 **Q.** And we only have your word to go about that, really,  
21 don't we?  
22 **A.** I accept that, yeah.  
23 **Q.** And we've already seen that your witness statement is  
24 wrong insofar as it suggests that you only used your  
25 devices for the purposes of administration; yes?

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1 wider society. So it was wholly inappropriate to use  
2 a cross-community mechanism as a blocking mechanism in  
3 the Executive. There have been other times, of course,  
4 when votes were taken, but on a straight bat --  
5 **Q.** Yes.  
6 **A.** -- and that should have been how business was conducted  
7 at this time.  
8 **Q.** Can I just ask you, I think we can look, for example, at  
9 the vote that was taken about schools, I think it's  
10 correct that that wasn't taken on a cross-community  
11 basis, was it?  
12 **A.** No, that's correct, it was taken on a straight bat vote  
13 and stack up the numbers on either side of the question.  
14 **Q.** Yes. In terms of damage that was -- may have been done  
15 owing to the deployment of the cross-community vote, do  
16 you think that that continued to impact upon the  
17 Executive after that four-day meeting took place?  
18 **A.** I think that it was a really challenging time for us.  
19 A meeting that, by anybody's imagination, that goes on  
20 for four days long is going to be very taxing. It was  
21 very clear from the medical advice that we were being  
22 given that this intervention was necessary, and it's  
23 also equally clear, as I said earlier, that there was  
24 an intention on the part of DUP ministers to come in to  
25 mark cards, as they described it, and to veto the

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1 **A.** Yes. And just for the record, not to be deliberately  
2 misleading, but clearly my understanding of what I was  
3 writing in the statement, but I can correct that.  
4 **Q.** It's not really that you can correct it, Ms O'Neill, it  
5 is that you made a witness statement to this Inquiry  
6 saying that you used your devices for the purposes of  
7 administration when it's quite clear that that was not  
8 correct.  
9 **A.** That was my understanding that that was in the main how  
10 I used that advice.  
11 **MS DOBBIN:** My Lady, I'm going to move on, if I may.  
12 **LADY HALLETT:** Yes, please. Thank you.  
13 **MS DOBBIN:** I wanted to go back to the meeting that took  
14 place on 9 November, the meeting that went on for  
15 a period of four days, and I wanted to ask, if I may,  
16 Ms O'Neill, whether you considered that the deployment  
17 of the cross-community vote during it was damaging to  
18 the Executive Committee itself, first of all, and then  
19 to ask you whether or not you thought that it was  
20 damaging to public confidence as well.  
21 If I could ask you the first point, please.  
22 **A.** Yes, I believe it was, the cross-community provision is  
23 to -- in order to protect minorities when what we were  
24 discussing in terms of decision-making at the Executive  
25 was in relation to regulations that impacted across

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1 advice. That's unfortunate, and it was not a good  
2 moment in time for the whole of the Executive, and  
3 particularly given just the scale of the problems that  
4 we had, again, at that time and the virus transmission,  
5 et cetera.  
6 But like all of these junctures, we were able to  
7 come back from these things and get on with our job and  
8 working through the issues, which we did, throughout the  
9 days ahead, albeit that some ministers mightn't have  
10 been happy with the outcome and the outworking of it and  
11 expressed that in a public way, but outside of that  
12 I think we just got on with continuing to work our way  
13 through it as best we could. And I think at this  
14 juncture is where Jenny Pyper's work becomes even more  
15 important in terms of trying to bring that all together  
16 again.  
17 **Q.** What about the damage that was done to public confidence  
18 by calling a cross-community vote? Of course it's  
19 understood you weren't the person calling for it, of  
20 course. Do you consider that it had a broader impact  
21 beyond the confines of the Executive Committee?  
22 **A.** I think given that where we were at the end of that very  
23 difficult year, where we were with transmission rates,  
24 where we were with this, you know, growing nearly  
25 anti-Covid -- even thinking in relation to vaccinations

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1 and kind of the -- the kind of "anti" sentiment that  
 2 came -- that kind of started to really rise at that  
 3 time. It was unhelpful because it fuelled a lot of  
 4 that, kind of, noise. I mean, there's no stretch of any  
 5 imagination that would articulate that it's the right  
 6 thing to do to deploy a cross-community vote for public  
 7 health advice, and I think that's the part that the  
 8 public couldn't understand, and so it was another very,  
 9 very difficult time in the pandemic response.

10 **Q.** Was part of the damage also the fact that, again --  
 11 well, we've already heard, because that meeting was  
 12 effectively being broadcast, as it were, via Tweets,  
 13 that the public knew that these were issues about which  
 14 ministers were divided and didn't have a common  
 15 position?

16 **A.** Yes, I think very much there was an attempt to paint  
 17 a picture from some ministerial colleagues that it was  
 18 health versus the economy, health versus people's mental  
 19 health, health versus all the other societal impacts of  
 20 the pandemic. And that clearly wasn't the case because  
 21 we were trying to get the balance in all of those  
 22 things. As I said earlier, none of us can stand over  
 23 that it was always the perfect balance but we did strive  
 24 to get a good balance.

25 So I think for all of those reasons it was extremely  
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1 right?

2 **A.** Yeah, it was ludicrous, to be quite frank, in terms of  
 3 an approach. I mean the regs fell off the face of the  
 4 earth if we didn't vote to extend them, so we had that  
 5 very difficult period in between where some things  
 6 opened up, some didn't, but then we had to re-group and  
 7 come back at it again.

8 **Q.** I think, again, just to try to understand what happened,  
 9 there was that period of one week, then I think  
 10 a further circuit-breaker, so to speak, for a two-week  
 11 period?

12 **A.** Yes.

13 **Q.** But did that then fall away at the end of those  
 14 two weeks as well? It appears to have --

15 **A.** That would have brought us into November --

16 **Q.** It would have taken that to 13 December.

17 **A.** Yes. I think that they -- I would have to double-check  
 18 that to be sure, I wouldn't want to give you the wrong  
 19 information, but six weeks was proposed, we agreed four,  
 20 then we had an extra two, and then they needed some more  
 21 obviously -- or we had the period at the end of  
 22 December, and then early January we were back at it  
 23 again.

24 **Q.** I don't want to lead you into error --

25 **A.** Yeah, I don't want --

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1 unhelpful and it then prolonged that meeting itself that  
 2 we had to keep adjourning to keep coming back. You can  
 3 see for four days there is an attempt to try to get  
 4 consensus, there is an attempt to try to move to that  
 5 point, but the medical advice is the medical advice, and  
 6 then you have to interrogate it and then make  
 7 a decision. Some people in the Executive had chosen to  
 8 take one direction and the rest of us, the other --  
 9 I mean all bar one party would have supported what was  
 10 being brought forward from Health as a necessity --  
 11 a necessary, even, intervention at that time. But  
 12 unfortunately we couldn't achieve that, and then it  
 13 meant we had a stop/start --

14 **Q.** Yes.

15 **A.** -- you know, approach, which wasn't helpful either.

16 **Q.** That's what I wanted to ask you about, because I think  
 17 perhaps this isn't something that's entirely clear and  
 18 may, and it may help to spell it out slightly what then  
 19 happened.

20 I think as the Inquiry understands it there was  
 21 a decision at the end of that meeting to extend the  
 22 restrictions, I think it was by two weeks, but I think  
 23 it's right that they then lapsed in and around  
 24 29 November so that there was a week when non-essential  
 25 retail opened and I think cafés opened as well; is that

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1 **Q.** -- I think we think that they fell away on 13 December,  
 2 but that's obviously something that can be checked, but  
 3 in terms of that start and stop, it's the two weeks,  
 4 then the week of opening, then the two weeks; yes?

5 **A.** Yes.

6 **Q.** And then the, I think you were straight into then having  
 7 to deal with the challenges of what to do about  
 8 decision-making around Christmas; correct?

9 **A.** Yes, that's right.

10 **Q.** And I think in the context of difficult advice about the  
 11 pressures that the health system was being put under at  
 12 that time; is that correct?

13 **A.** Yes, that's right.

14 **Q.** And I think the Inquiry's also seen that the -- that  
 15 week, whenever restrictions fell away at the start of  
 16 December -- sorry, 23 November for a week, there's  
 17 certainly evidence in the papers that were provided to  
 18 the Executive Committee that that had -- that was  
 19 contributing to an infection rate increase, I think of  
 20 about 25%; is that --

21 **A.** I don't recall the exact figure but I know it was said  
 22 at the time that the opening would have definitely  
 23 contributed to the already difficult situation.

24 **Q.** I think that it's around this time that you didn't want  
 25 to commit to a four-nation statement committing to

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1 arrangements over Christmas as well; is that right?

2 **A.** I think just because we had differences of approach or  
3 difference of emphasis, for no other reason other than  
4 it just didn't work. And I can't even recall, if I'm  
5 honest, the exact wording, but I know that we were  
6 perhaps in a different space, where the message that we  
7 were trying to portray perhaps wasn't reflected in the  
8 four nations -- so at different times Scotland took  
9 a different approach, Wales took a different approach,  
10 and we did, and that must have been why, at that point,  
11 that I had perhaps indicated that that wasn't where  
12 I thought we should be.

13 **Q.** I think it's right, again just tracing this through,  
14 Ms O'Neill, that I think right up until -- I think I've  
15 got this right -- about 21 December there was  
16 uncertainty and then a change of position about the  
17 bubbling arrangements that --

18 **A.** Yes.

19 **Q.** -- there would be in Northern Ireland, and I think it's  
20 correct that you reduced the period of time that people  
21 would be able to meet for, for a period of two days --

22 **A.** I did, yes.

23 **Q.** -- is that correct?

24 Then from -- there was, then, effectively a lockdown  
25 took place I think from about 26 December onwards.

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1 didn't -- I'm not just pinpointing that one thing, but  
2 that whole approach around that period clearly led to  
3 an increased transmission rate.

4 **MS DOBBIN:** All right.

5 My Lady, those are all of my questions for  
6 Ms O'Neill, but I think there are some other questions  
7 for her.

8 **LADY HALLETT:** There are indeed.

9 Mr Wilcock, is it you?

10 **Questions from MR WILCOCK KC**

11 **MR WILCOCK:** First Minister, I ask you questions on behalf  
12 of the Northern Ireland Covid Bereaved Families for  
13 Justice.

14 My Lady, and First Minister, many of the topics we  
15 have been granted permission to ask questions have been  
16 thoroughly covered by Ms Dobbin, and we thank her for  
17 that. But I therefore want to confine myself,  
18 First Minister, to asking you questions on three  
19 separate topics.

20 **A.** Okay.

21 **Q.** Topic 1, you told us this morning that in  
22 February/March 2020 it was clear to you that the  
23 Department of Health were the lead in the government  
24 response to Covid, and that despite at different times  
25 you asking what else the Executive Office needed to be

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1 **A.** Yes.

2 **Q.** The Inquiry has seen the evidence about infection rates  
3 and also about death rates in January as well. In your  
4 view, what were the factors which contributed to what  
5 happened in the January of 2021?

6 **A.** I think that, I mean, it was very clear from October  
7 from the CMO's statement at that time that things were  
8 getting -- were gradually deteriorating, we had -- they  
9 had favoured a six-week intervention, that wasn't  
10 achieved, so then we had four, then we had two, and  
11 a lot of that adds to -- given the noise that was being  
12 made publicly as well, and leaks, and all those  
13 contributory factors, that meant that it was difficult  
14 in terms of the public's compliance. Also it was the  
15 end of the difficult year and the public were fed up.

16 Now, we were still doing behavioural analysis and  
17 science around, you know, compliance and things like  
18 that at that stage, but it was clear people were  
19 sufficiently concerned again at that time, but it's  
20 winter, people are more indoors, it's a whole  
21 combination of factors, I think, led us into what was  
22 then a very, very difficult January, and I think the  
23 voting against the public health advice is a stark  
24 underlining of just some of the complexities of just the  
25 nature of governance that we had, but it certainly

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1 doing in terms of a wider cross-departmental response,  
2 the view of Health was that it was too soon and you had  
3 no advice to counter that view, and you'll remember  
4 giving that evidence.

5 Do you agree that this uncertainty between you and  
6 the Department of Health, ie the Executive Office and  
7 the Department of Health, could only impede ministerial  
8 decision-making about Northern Ireland's preparedness  
9 and response to the developing coronavirus emergency?

10 **A.** Are you asking me all three at the one time?

11 **Q.** It's one question: do you agree that --

12 **A.** Oh, yes, certainly, I think that in terms of the lessons  
13 learned there is no doubt that it will reflect that we  
14 need to be very clear in terms of civil contingencies  
15 and when it can be stood up. So yes, I accept that.

16 **Q.** Do you recall illustrating this confusion between  
17 yourself and the Department of Health by telling us that  
18 as far as you were concerned, the invitation for the  
19 Department of Health to attend the UK COBR meetings on  
20 24 January was never even brought to your attention?

21 **A.** That's correct.

22 **Q.** On the other hand, you know, don't you, that on  
23 12 February a Cabinet tabletop exercise known as  
24 Operation Nimbus, to "rehearse ministerial level  
25 decision-making for the UK's pandemic preparedness and

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1 response within the context of the current novel  
2 coronavirus outbreak", took place? You know that, don't  
3 you?

4 **A.** I know that now, yes.

5 **Q.** Yes.

6 You didn't deal with that in your statement, did  
7 you?

8 **A.** I don't recall, but if you're telling me I didn't then  
9 I'm assuming --

10 **Q.** If I'm wrong, someone will tell me.

11 You say you didn't know that -- you knew that now.  
12 According to Bernie Rooney, who then held a temporary  
13 position in The Executive Office at assistant grade  
14 deputy director level, the records indicate that on  
15 6 February 2020 Mrs Foster, the First Minister then,  
16 decided that the Minister of Health should continue to  
17 represent Northern Ireland and attend this exercise  
18 alone, and that you subsequently confirmed the decision  
19 on 10 February. Does that accord with your  
20 recollection?

21 **A.** It does not.

22 **Q.** It does not?

23 **A.** No.

24 **Q.** So you think Ms Rooney is wrong in saying that that's  
25 what the records indicate?

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1 coronavirus -- the Covid situation was going to require  
2 everyone, all departments, not just the Department of  
3 Health, and that must have been obvious right from the  
4 start, beginning of February?

5 **A.** I think what was very clear to us as a fledgling  
6 Executive was that the Department of Health were in the  
7 lead in those initial days and we had no information to  
8 counter that that wasn't the right approach. But  
9 certainly I have accepted that a wider systems approach,  
10 which I did then go on to advocate for, and that  
11 cross-departmental approach, became more clear, but not  
12 until March.

13 **Q.** Coming back to Operation Nimbus, Mr Swann told us that  
14 he had no recollection of his attendance at  
15 Operation Nimbus and referred to his limited actions  
16 afterwards. I'll be corrected if I'm wrong, but we have  
17 not seen any record of you asking him about what  
18 happened when he took place in Operation Nimbus.

19 Do I take it from your answer you just don't  
20 remember anything about Operation Nimbus, that you can't  
21 tell us whether you did speak to him about what  
22 happened?

23 **A.** I'm saying I can't reflect and I would have to look  
24 towards the documentation to see if I can find a record  
25 of an exchange, but I can't reflect on that as we speak

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1 **A.** No, I can't say that but I certainly do not ever recall  
2 being asked about that, and if a record is available  
3 that reflects that then I will reflect on that, but  
4 certainly, no, that's not my understanding.

5 **Q.** You told us this morning that it only became clear to  
6 you "as things developed" that you needed to have  
7 a wider systems approach to what was happening than just  
8 having the Department of Health involved, and do you  
9 remember saying that?

10 **A.** Mm-hm.

11 **Q.** The Inquiry heard evidence yesterday from  
12 Professors Gray and O'Connor that it ought to have been  
13 obvious from an early point that any response to the  
14 pandemic was "a cross-cutting issue that was across all  
15 departments and required a response from every single  
16 department". Are you saying that their expert evidence  
17 is unfair?

18 **A.** No, I haven't seen their expert evidence or read their  
19 expert evidence. What I would suggest, what I have  
20 suggested earlier, is that very much in those early days  
21 the Department of Health were in the lead and civil  
22 contingencies in support, but I have also accepted that  
23 we could have had civil contingencies stood up earlier.

24 **Q.** Well, the question's a bit more specific than that. It  
25 was obvious, wasn't it, right from the start that the

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1 here now, but if I find a record then I would be more  
2 than happy to provide it to the Inquiry.

3 **Q.** And does the same answer apply if I were to ask you what  
4 feedback you got from Mr Swann when he attended that  
5 operation? Did he tell you what he had said at  
6 Operation Nimbus?

7 **A.** Given that I can't remember -- recall the Nimbus  
8 Operation, then I would have to reflect on it before  
9 I could properly answer you.

10 **Q.** You have been asked many questions this morning about  
11 the steps you took to challenge, scrutinise and ask  
12 questions of the Department of Health. They may have  
13 felt to you like criticisms.

14 Knowing what you do now, do you not agree that you  
15 might have been assisted in overseeing the measures the  
16 Department of Health was taking in February if you had  
17 been informed by someone about Operation Nimbus  
18 rehearsals, as I say, which were of a ministerial-level  
19 decision-making for the pandemic preparedness in  
20 response to coronavirus?

21 **A.** I think that stands to reason.

22 **Q.** It does.

23 I'm going to suggest to you that the lack of  
24 communication, if there was any, between you and  
25 Mr Swann about this meeting would be a clear example of

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1 the political dysfunction between the Department of  
2 Health and the Executive Office in the response to Covid  
3 from February 2020. I give you that opportunity to  
4 comment. You're going to say, "I don't remember".

5 **A.** Thank you for that. Communication has been a problem,  
6 had been a problem throughout, and I think I've  
7 reflected on that, and we must do better.

8 In terms of the dysfunction, I think it's fair to  
9 characterise it at times that we weren't in a good place  
10 at all, and it was difficult -- caused difficulties in  
11 terms of communicating the public health message.

12 I also would like to be equally fair to my  
13 ministerial colleagues that I believe that people were  
14 there to try to do their very, very best. I believe  
15 that all ministers were faced with very difficult  
16 decisions and I believe that we all welcome the fact  
17 that the Inquiry will assist in terms of the lessons  
18 learned and allow us to try to improve things for  
19 whenever we do face such -- or whoever is in office  
20 faces such a position again.

21 **Q.** Thank you.

22 Topic 2. You have been asked many questions about  
23 your attendance at Mr Storey's funeral, and my clients  
24 have noted your evidence this morning that you never set  
25 out to compound their grief and didn't realise the hurt

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1 **A.** I think it's very clear, with the benefit of hindsight,  
2 that I should not have went to the funeral. I'm sorry  
3 that I did, and I'm sorry that -- for the impact.  
4 I think that is, it's a realisation on that --

5 **Q.** That's not an answer to the question, and I really don't  
6 want to spend too much time on it. At what point did  
7 you realise the hurt that you had caused?

8 **A.** As soon as I listened to the many families that  
9 I actually have met and engaged with who have lost loved  
10 ones throughout the pandemic. I take --

11 **Q.** But that was immediate, wasn't it, it was all over the  
12 papers?

13 **A.** I don't want to take away from the fact that I want the  
14 families to be crystal clear that I want to apologise to  
15 them. I want that to be taken in the spirit in which  
16 it's intended. I did say I was sorry on a number of  
17 occasions, but I think this is the appropriate juncture  
18 in which to be as wholesome as I can be on it, that  
19 I mean it from the bottom of my heart, I would not have  
20 tried to hurt anybody. I did, and I angered people and  
21 I accept that, but I just want to put on record again  
22 today to all those families, I am sorry for the  
23 experience that you have had and I am sorry that my  
24 actions compounded that.

25 **Q.** Thank you.

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1 you had caused, but now accept that you ought to have  
2 done.

3 In assessing that evidence, can I ask you about  
4 something that the then Minister for the Economy,  
5 Mrs Diane Dodds, has said in her sworn statement in  
6 which she explicitly recognises that proceedings can be  
7 brought against her if she makes a false statement.  
8 Mrs Dodds says in that statement that after the funeral  
9 you indicated that you would do what you did again, to  
10 attend the funeral of a friend.

11 Have you said what Mrs Dodds alleges?

12 **A.** I believe that in a press statement or a press  
13 conference directly after the funeral I may have said  
14 that I would not apologise for attending the funeral of  
15 a friend. Subsequently I have obviously corrected that  
16 and said again this morning to my Lady, to the families  
17 of the bereaved, that I ought not to have went, I should  
18 not have went, and I never set out to hurt people, but  
19 I know that my actions did.

20 I want to be very clear and unequivocal in terms of  
21 my apology. I would never ever compound people's hurt,  
22 but I know that I did, and I know that I made people  
23 angry.

24 **Q.** The last question on the topic: at what point did you  
25 reach that realisation?

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1 Topic 3, it's right, isn't it, that the Executive  
2 Office is the sponsor of the Equality Commission and the  
3 department responsible for equality policy and  
4 legislation in the Northern Ireland Executive?

5 **A.** That's correct.

6 **Q.** It's also right, isn't it, that section 75 of the  
7 Northern Ireland Act 1998 which requires public  
8 authorities in Northern Ireland to have regard to any  
9 differential, unfair impact of their actions on certain  
10 categories of persons, including on the basis of gender,  
11 disability and age, was, as you told us this morning,  
12 effectively suspended at various times during the  
13 pandemic.

14 Do you accept that the consequence of this was, in  
15 essence, that actions could be carried out during the  
16 pandemic and enforced without any consideration of any  
17 unequal impact those actions may have on the individuals  
18 or groups of individuals I've just listed?

19 **A.** Yes, I think I said that earlier, that I regret that  
20 that's the position that we were in, in terms of moving  
21 forward with blanket lockdowns, and the implications  
22 that had particularly for those people more vulnerable  
23 and the fact that the normal RQIA process wasn't  
24 conducted, and also I indicate that that's one of the  
25 areas of lessons learned that we need to appropriately

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1 fix for any future juncture.

2 **Q.** Can we have a copy of your statement to this Inquiry,  
3 which is INQ000436641, and I'm looking at page 23 on  
4 screen, and can we just highlight paragraph 79.

5 I think, First Minister, you should be able to see  
6 in this paragraph that you note that you were aware that  
7 the health service was in danger of being overwhelmed  
8 from March, and that during the 2 March Executive  
9 Committee meeting, the Chief Medical Officer referred to  
10 community transmission of Covid and its detrimental  
11 effect on personal services. You then go on to say:

12 "He [the Chief Medical Officer] spoke of the need  
13 for the Health and Social Services Boards to take  
14 difficult decisions on prioritisation, clinical  
15 decisions and ethical issues. He spoke about the need  
16 to be prepared for weeks/months and that we were dealing  
17 with a very transmissible virus."

18 Now, First Minister, many of those that I represent  
19 are concerned that their relatives were effectively  
20 given up on or, to put it another way, that some lives  
21 were prioritised during the response to Covid.

22 Would you agree that it should have been clear from  
23 the warning the Chief Medical Officer gave in this  
24 meeting that there were significant equality issues  
25 being raised, given that there was a discussion by him

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1 We did try our best to mitigate but I don't think  
2 that anybody would accept that we did that in as fulsome  
3 a way as what we would all have wanted to do.

4 **Q.** First Minister, with respect, it's not just a question  
5 of taking it on board. One concern that many of those  
6 I represent feel is that the safeguards were removed or  
7 did not operate properly at a time when people were  
8 being isolated from their families which, as you know,  
9 in Northern Ireland is a source of some support to  
10 people, and from other professionals such as GPs who  
11 could identify any failings in their care. That  
12 includes not only the section 75 suspension we've spoken  
13 about, but also the changes to the RQIA inspections in  
14 care homes.

15 My question to you is this: do you agree that the  
16 simultaneous removal of those safeguards, those sort of  
17 safeguards, when vulnerable people were isolated, at  
18 a time that you were being told that difficult decisions  
19 and prioritisation, clinical decisions and ethical  
20 issues had to be taken, should have raised alarm bells  
21 with you and your colleagues on the Executive?

22 **A.** I think it's fair to say that the alarm bells were very  
23 much with colleagues on the Executive across a whole  
24 range of issues. That's why we set about trying to  
25 bring in and to use our community structures effectively

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1 of prioritisation in circumstances where it was possible  
2 healthcare was going to be overwhelmed?

3 **A.** Yes, and I absolutely accept that when the Chief Medical  
4 Officer spoke about the need for difficult decisions to  
5 be taken and prioritisation, I recall -- and even  
6 clinical decisions and ethical issues, I remember having  
7 a conversation with him in terms of a patient with  
8 cancer, how that service could be downturned.  
9 I remember in particular being asked about a lady with  
10 two children who was told that her cancer treatment  
11 would stop. That was the horrific nature of the  
12 decisions that were facing those people, particularly  
13 within the health service.

14 So it was very clear to us all that there were going  
15 to be implications, dire implications for many people,  
16 and we tried to mitigate that as best as we can.

17 We could never, as I said earlier, have mitigated  
18 against all the implications, but we did try, and  
19 I reference a number of areas where, you know,  
20 departments worked together, they worked with the  
21 community and voluntary sector, we put funding out into  
22 community groups, we tried to do all these things, but  
23 yes, we didn't reach everybody and we have to take that  
24 on board, and yes, everything was not as you would want  
25 it to be in an ideal scenario, of course.

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1 to try to support people on the ground as, close to them  
2 in their community as we possibly could. That's why we  
3 brought forward the different mitigations that we did in  
4 terms of trying to support people.

5 But I think that there's no doubt, like, when you're  
6 bringing in a lockdown and that sort of society-wide  
7 approach, it is always going to -- and for the right  
8 reasons in terms of trying to reduce the spread of the  
9 virus and protect people, but I think even in the  
10 context of what we did, of course we could have done  
11 better in mitigating the impact on vulnerable people,  
12 harder-to-reach groups and individuals, and when we  
13 reflect on what was done, we can reflect on what was  
14 done well, and there were many good things, but we also  
15 have to equally reflect on what wasn't done well and  
16 I think there's a range of things that we could refer to  
17 there.

18 **Q.** And in reflecting on those issues, are you aware --  
19 I think you might have mentioned that you are -- of the  
20 evidence that Marion Reynolds gave in this Inquiry in  
21 relation to her Aunt Marie?

22 **A.** Yes.

23 **Q.** And she told us that Marie went into hospital with  
24 pneumonia in September 2020, where she then contracted  
25 Covid. Her aunt was deaf, but members of staff were

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1 still wearing masks, which prevented her aunt from  
2 lipreading. And she described her aunt being admitted  
3 to a care home in circumstances where she was not  
4 permitted to visit, and when she did eventually get  
5 access to her aunt, she found her near death. And she  
6 believed that not only was the socialise limitation that  
7 her aunt experienced detrimental to her, but the lack of  
8 visiting also meant that family members were not there  
9 to be able to identify whether or if relatives were  
10 being treated poorly.

11 Now, that treatment, you will accept, is, sadly, not  
12 unusual in the reports of what happened during the  
13 pandemic, is it?

14 **A.** I think that's fair to say. And I did listen to Marion  
15 and her own personal story and that of her aunt, and  
16 unfortunately it reflects the experience of too many  
17 families throughout the pandemic, and that's why  
18 I welcome the particular focus on care homes in  
19 particular in a future module. This must be something  
20 that we get right.

21 But there's no brushing away that experience,  
22 there's no brushing away any family who's been through  
23 that experience, and that has to feed into the lessons  
24 learned.

25 **Q.** You highlight care homes and we understand why you do,

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1 **Q.** There is, in fact, one more thing you could say: what  
2 planning is being done to ensure that in a future  
3 pandemic full consideration will be given from the  
4 outset to maintaining the requirements of section 75 at  
5 a time when the history of the pandemic has shown  
6 they're most needed?

7 **A.** So I think this is all part of the Inquiry's work and  
8 what will feed into what we will do. I think we've been  
9 able to bring forward some of the transformation work  
10 that we would want to see across our systems, the fact  
11 that we now have a Chief Scientific Adviser that would  
12 help our decision-making and our advice, I think there  
13 has been a raft of learning -- even how we responded to  
14 the pandemic the whole way through, it advanced at each  
15 juncture.

16 So there are lessons already taken on board but  
17 the Inquiry will help assist us in terms of, perhaps,  
18 legislative changes that are required, and on a wider  
19 issue of meeting with -- for example, I want to meet  
20 with Disability Action in the time ahead. They have  
21 requested a meeting. I have accepted to meet because  
22 I think it's important that where legislative changes  
23 are necessary or required that we actually start to  
24 progress them now through this newly formed Assembly and  
25 Executive now that we're back there and working

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1 but do you agree that putting the health and lives of  
2 the most vulnerable, like Marie Reynolds at risk, in  
3 circumstances of enforced social isolation, even if it  
4 was done with the best of intentions, was a significant  
5 failing on the part of the Executive's equality duties,  
6 and that this was still occurring many, many months into  
7 the pandemic?

8 **A.** I think we had difficult decisions to take at the very  
9 outset of the pandemic, including the -- suspending the  
10 section 75 equality screening. But let's not hide  
11 behind that, Marion's experience and so many's  
12 experience was horrific, and all that I can say is what  
13 we did as an Executive, particularly in those early days  
14 in terms of lockdown, social isolation, all those things  
15 that were brought to play, were try to save lives, they  
16 were to try to actually get us -- well, initially to  
17 respond to that and suppress the virus.

18 However, the outworking of trying to do that right  
19 thing led to the outworking of Marion and her aunt's  
20 experience, and that can't be -- that's not a balance  
21 that I'm prepared to accept is in any way acceptable,  
22 and we must take that on board and ensure that the  
23 proper processes are in place, particularly around those  
24 most vulnerable in society and particularly in care  
25 homes.

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1 together, and I think that's where we're going to be  
2 able to advance some of these -- particularly these  
3 pieces of learning.

4 **MR WILCOCK:** My Lady, that may be an appropriate question  
5 for --

6 **LADY HALLETT:** Seems like you have just --

7 **MR WILCOCK:** Thank you.

8 **LADY HALLETT:** -- teed up Mr Friedman. Thank you,  
9 Mr Wilcock.

10 Mr Friedman.

#### 11 Questions from MR FRIEDMAN KC

12 **MR FRIEDMAN:** First Minister, I think you have actually teed  
13 me up, because I do act for Disability Action, and may  
14 I ask you about some quite emphatic evidence that you  
15 have given today that there is a need for soul searching  
16 over the extent to which disabled people, like the woman  
17 Joanne on the Inquiry impact film, experienced being  
18 forgotten and left behind.

19 If this, as you say, as First Minister, and I've  
20 heard other people say it before, is a small place and  
21 a small entity, where directly or indirectly pretty much  
22 everyone does know everyone, may I just follow up on  
23 something Ms Dobbin asked you.

24 What is your lesson learned about why politicians in  
25 this jurisdiction, who are otherwise deeply engaged in

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1 their communities, have not been as equally engaged with  
 2 disabled ones?  
 3 **A.** So I can't speak to wider politics, what I can say is  
 4 that I personally, and my ministerial team, from we've  
 5 come into office, have -- at least two of my ministers  
 6 have already met the Disability Action to how we may  
 7 progress some of the learning, particularly from the  
 8 work that was taken forward around the lived experience  
 9 of people with disabilities throughout the pandemic. So  
 10 I'm committed to that work and I will meet with  
 11 Disability Action. I mean, I think I said this earlier  
 12 but I listened to Nuala -- or I read Nuala Toman's  
 13 evidence, and you couldn't feel anything other than,  
 14 you know, deep, deep regret that that was the lived  
 15 experience of so many people, so I want us to learn  
 16 lessons, I want to work with Disability Action --  
 17 **Q.** If I may, because I understand and accept that you're  
 18 accepting that going forward there needs to be much more  
 19 structured engagement. But just thinking back to that  
 20 time of crisis, why, given that not only the politicians  
 21 but in fact a lot of the civil servants are deeply  
 22 engaged in their communities, why do you think that  
 23 disabled people's communities weren't engaged with,  
 24 looking back?  
 25 **A.** Well, I don't think it's fair to say that they weren't  
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1 **A.** So I had agreed to meet with Disability Action but  
 2 unfortunately the Executive didn't go forward at that  
 3 time, but that being said --  
 4 **Q.** Only in January 2024.  
 5 **A.** When I was requested to do so, I did, so ...  
 6 But look, I want to be as open as we possibly can in  
 7 terms of learning. I've set out some of the things that  
 8 we tried to do. The communities minister set out some  
 9 of the engagement that she took forward. But I know  
 10 that with Disability Action, with a new strategy coming  
 11 forward in terms of disability and how we can support  
 12 people going forward, with legislative provisions that  
 13 may come forward as a direct result of learning from the  
 14 pandemic, I think we can do better.  
 15 **MR FRIEDMAN:** Thank you.  
 16 Thank you, my Lady.  
 17 **LADY HALLETT:** Thank you very much, Mr Friedman.  
 18 I think that completes the questioning,  
 19 First Minister. I know it must have been a long day and  
 20 you must have a very busy schedule, so thank you for  
 21 the time that you have given us.  
 22 **THE WITNESS:** Thank you.  
 23 **LADY HALLETT:** And I think you may be the first witness who  
 24 has offered to give evidence in another module, so be  
 25 wary of --  
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1 engaged with in a wholesome way. I do accept that it  
 2 wasn't perfect, but I know that our communities minister  
 3 tried to set out the level of engagement that she had  
 4 taken forward, trying to work with groups, trying to  
 5 provide support. We know that our finance minister  
 6 tried to bring forward financial support to allow  
 7 particularly community and voluntary sector and  
 8 charities to do work on the ground. We know that our  
 9 communities minister worked with the education minister  
 10 around free school meals, that's for any child out there  
 11 in society who needed that. We tried to do the food box  
 12 approach, which brought it right down to grassroots  
 13 level. We tried to do the community prescriptions right  
 14 to people's doors.  
 15 I mean, I offer all that to say that these were the  
 16 things that we were trying to do with our local  
 17 knowledge, and that was community and voluntary groups  
 18 on the ground, it was sports organisations, it was,  
 19 you know, a whole raft of people that stepped up to help  
 20 us to support people. Of course it wasn't -- it wasn't  
 21 perfect --  
 22 **Q.** First Minister, we know that neither you, Arlene Foster  
 23 or, indeed, either of the ministers of communities ever  
 24 met with the DPO, an actual DPO, or Disability Action at  
 25 any time that the Chair is looking at.  
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1 **THE WITNESS:** My legal team might roll their eyes at me.  
 2 **LADY HALLETT:** Exactly.  
 3 Anyway, thank you, everybody.  
 4 **THE WITNESS:** Thank you.  
 5 **(The witness withdrew)**  
 6 **LADY HALLETT:** 10 o'clock tomorrow with Baroness Foster and  
 7 then former ACC Todd, and then on Thursday it's  
 8 Ms Sue Gray, and then closing submissions.  
 9 **MS DOBBIN:** That's right, my Lady.  
 10 **LADY HALLETT:** Thank you, 10 o'clock tomorrow.  
 11 **(4.12 pm)**  
 12 **(The hearing adjourned until 10 am**  
 13 **on Wednesday, 15 May 2024)**  
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<b>LADY HALLETT:</b> <b>[40]</b> 1/6 1/9 1/12 2/17 3/6 3/9 17/17 18/13 20/7 20/17 21/10 21/16 53/23 54/1 54/8 54/11 85/19 86/10 108/19 108/23 115/1 115/5 129/5 129/8 130/3 130/6 130/9 130/14 166/20 167/2 167/12 170/12 179/8 196/6 196/8 199/17 199/23 200/2 200/6 200/10 <b>MR FRIEDMAN:</b> [2] 196/12 199/15 <b>MR WILCOCK:</b> [3] 179/11 196/4 196/7 <b>MS DOBBIN:</b> [25] 1/3 1/14 2/20 3/7 3/10 3/12 18/16 21/17 53/20 53/24 54/12 86/13 108/18 108/24 115/16 129/7 130/15 166/18 166/23 167/8 167/13 170/11 170/13 179/4 200/9 <b>THE WITNESS:</b> [4] 1/11 199/22 200/1 200/4	<b>12 [1]</b> 80/21 <b>12 February [1]</b> 180/23 <b>12 March [5]</b> 16/3 86/14 86/16 92/22 94/2 <b>12 March 2024 [1]</b> 3/17 <b>12.48 pm [1]</b> 108/20 <b>13 December [2]</b> 175/16 176/1 <b>13 March [6]</b> 50/7 79/22 93/2 94/3 95/20 111/13 <b>14 May 2024 [1]</b> 1/1 <b>14th [1]</b> 112/10 <b>15 [1]</b> 27/11 <b>15 February [1]</b> 27/13 <b>15 March 2024 [1]</b> 3/24 <b>15 May 2024 [1]</b> 200/13 <b>15 weeks [4]</b> 86/23 103/4 105/16 105/19 <b>16 March [7]</b> 58/19 72/6 77/18 95/17 100/21 101/9 109/2 <b>16th [1]</b> 112/10 <b>17 [2]</b> 100/15 157/20 <b>18 April [1]</b> 150/6 <b>18 February [2]</b> 59/23 79/14 <b>18 March [2]</b> 61/14 61/23 <b>18 March 2020 [1]</b> 62/24 <b>18 months [3]</b> 47/15 55/4 115/6 <b>18th [1]</b> 119/5 <b>19 [5]</b> 37/6 51/14 52/17 112/21 150/9 <b>19 April [1]</b> 150/7 <b>19 March [1]</b> 114/5 <b>1998 [2]</b> 31/5 188/7	<b>2016 [3]</b> 4/15 25/4 26/11 <b>2017 [1]</b> 4/15 <b>2019 [1]</b> 55/15 <b>2020 [24]</b> 11/2 11/6 38/23 40/4 51/13 52/16 54/24 57/23 62/24 69/3 115/20 128/13 138/8 138/19 142/16 146/18 151/23 157/16 166/6 166/10 179/22 181/15 185/3 192/24 <b>2021 [3]</b> 11/3 160/17 178/5 <b>2022 [3]</b> 4/19 153/25 166/12 <b>2024 [6]</b> 1/1 3/17 3/24 155/15 199/4 200/13 <b>21 [1]</b> 54/22 <b>21 December [1]</b> 177/15 <b>21 March [3]</b> 8/14 8/17 8/21 <b>21 November 2021</b> <b>[1]</b> 160/17 <b>22 May [1]</b> 157/15 <b>22 May 2020 [1]</b> 157/16 <b>23 [1]</b> 189/3 <b>23 March [1]</b> 114/7 <b>23 November [1]</b> 176/16 <b>24 February [3]</b> 52/22 53/2 75/2 <b>24 hours [2]</b> 93/6 95/11 <b>24 January [2]</b> 41/23 180/20 <b>25 [1]</b> 176/20 <b>25 February [2]</b> 23/13 56/11 <b>250,000 [1]</b> 19/1 <b>26 December [1]</b> 177/25 <b>26 March [1]</b> 138/1 <b>29 [2]</b> 23/11 23/12 <b>29 November [1]</b> 174/24 <b>2C [3]</b> 2/12 3/11 201/8	28/21 101/15 <b>30 January [6]</b> 27/11 37/3 37/8 37/11 40/8 41/4 <b>30 people [1]</b> 21/20 <b>34 [2]</b> 51/12 53/16 <b>340,000 [1]</b> 87/1 <b>383 [1]</b> 16/5 <b>396 [1]</b> 155/15 <b>3rd [1]</b> 37/16	33/22 33/22 35/17 37/6 37/22 38/6 38/7 38/10 40/16 43/17 43/19 45/9 45/22 47/14 50/10 50/12 51/4 51/14 52/17 53/4 54/24 54/25 55/16 55/18 57/10 60/21 63/16 65/6 66/24 67/4 68/4 70/2 70/6 70/23 71/23 77/12 78/11 79/25 80/3 80/7 80/14 81/15 82/21 83/21 87/10 87/23 89/25 90/18 92/2 92/3 92/5 92/6 92/8 92/8 92/9 96/17 97/10 100/17 102/15 103/13 106/12 106/15 107/9 108/15 109/12 109/12 109/21 111/5 111/12 113/5 113/20 114/25 116/15 117/7 117/10 117/11 118/7 118/10 118/18 119/1 120/24 122/22 124/5 126/13 127/15 130/18 130/20 130/24 131/2 131/7 132/8 132/15 132/16 135/6 137/20 139/1 141/6 142/14 147/1 149/11 149/13 149/13 151/23 152/21 152/24 153/4 153/5 153/19 154/5 154/20 155/20 155/25 156/16 156/17 156/19 156/24 157/10 157/16 157/17 159/4 159/9 159/23 160/10 160/19 161/13 162/3 162/16 162/18 163/1 164/13 164/24 165/11 165/19 167/16 169/1 169/5 169/20 171/9 172/17 173/13 174/16 176/7 176/10 176/20 177/15 177/16 177/25 178/2 178/3 180/8 182/2 183/17 183/20 183/21 184/10 184/17 184/25 185/22 186/3 189/15 190/4 190/9 191/13 191/24 196/14 196/24 <b>above [2]</b> 46/10 80/24 <b>abreast [1]</b> 119/14 <b>absence [2]</b> 115/10 120/7 <b>absent [1]</b> 117/19 <b>absolute [1]</b> 35/13 <b>absolutely [37]</b> 11/8 13/23 17/23 17/25 20/5 29/7 41/8 56/9 63/6 64/11 64/25							
<b>'essential' [1]</b> 122/3	<b>1</b>	<b>1 December 2020 [1]</b> 138/8 <b>1,000 [1]</b> 157/18 <b>1.50 [1]</b> 108/19 <b>1.50 pm [1]</b> 108/22 <b>10 [4]</b> 3/25 16/18 98/22 157/14 <b>10 am [1]</b> 200/12 <b>10 February [3]</b> 30/10 43/13 181/19 <b>10 March [12]</b> 73/3 79/2 80/7 81/18 81/22 82/16 89/9 89/23 90/3 92/11 93/25 102/16 <b>10 o'clock [2]</b> 200/6 200/10 <b>10.00 am [1]</b> 1/2 <b>100 [1]</b> 91/2 <b>106 [1]</b> 3/18 <b>10th [2]</b> 80/11 81/19 <b>11 January [2]</b> 4/18 7/9 <b>11 March [2]</b> 74/21 74/22 <b>11.13 am [1]</b> 54/5 <b>11.30 [1]</b> 54/4 <b>11.32 am [1]</b> 54/7	<b>2</b> <b>2 July [2]</b> 19/17 140/5 <b>2 March [13]</b> 42/18 52/1 53/17 57/8 58/1 60/16 61/12 62/19 64/14 70/11 70/12 72/11 189/8 <b>2 March 2020 [2]</b> 51/13 52/16 <b>2 or [1]</b> 43/3 <b>2 weeks [1]</b> 98/13 <b>20 February [7]</b> 23/22 28/25 30/18 31/1 32/11 61/16 61/21 <b>20 years [1]</b> 56/13 <b>2007 [1]</b> 4/9	<b>3</b> <b>3 February [4]</b> 30/10 34/5 34/12 43/3 <b>3 March [7]</b> 27/14 27/17 32/24 45/24 57/13 71/11 71/11 <b>3.05 [1]</b> 166/19 <b>3.12 pm [1]</b> 167/9 <b>3.30 [1]</b> 167/7 <b>3.30 pm [1]</b> 167/11 <b>30 [4]</b> 23/15 24/9	<b>4</b> <b>4 February 2022 [1]</b> 4/19 <b>4.12 pm [1]</b> 200/11 <b>40 people [1]</b> 126/13 <b>42 [2]</b> 80/21 81/4	<b>5</b> <b>5 March [1]</b> 118/6	<b>6</b> <b>6 February 2020 [1]</b> 181/15 <b>60 [1]</b> 157/18	<b>7</b> <b>75 [4]</b> 188/6 191/12 194/10 195/4 <b>79 [1]</b> 189/4	<b>8</b> <b>8 October [1]</b> 136/2 <b>85 [1]</b> 55/15 <b>85 people [1]</b> 47/22	<b>9</b> <b>9 November [1]</b> 170/14 <b>98 [1]</b> 16/4	<b>A</b> <b>ability [7]</b> 14/17 26/6 31/13 91/24 117/25 120/2 123/11 <b>able [35]</b> 1/16 17/20 19/9 25/8 26/8 48/24 68/11 68/14 95/2 99/10 103/10 103/25 104/3 104/17 106/4 120/6 120/7 123/7 124/11 124/14 127/8 140/12 140/24 145/1 145/2 145/3 145/5 147/19 164/3 172/6 177/21 189/5 193/9 195/9 196/2 <b>about [188]</b> 2/14 8/2 8/25 9/14 11/17 11/24 12/7 12/24 15/7 17/3 17/20 19/13 20/4 20/17 22/4 22/18 23/10 23/17 27/5 31/11 33/7 33/20

<b>A</b>	108/9 126/14 170/25 182/14 191/23 195/10	<b>administer [1]</b> 151/17	88/1 132/13 133/7 133/17 133/19 134/14 195/11	172/16 173/10 175/7 175/8 175/23 177/13 178/19 185/20 186/9 186/16 187/21
<b>absolutely... [26]</b> 66/24 68/14 68/15 69/21 73/22 75/7 76/17 84/11 91/8 91/9 92/6 94/12 95/9 97/3 114/13 146/2 146/11 148/3 148/20 149/7 159/14 162/8 163/8 163/12 169/4 190/3	<b>act [7]</b> 12/12 16/1 68/10 68/19 68/20 188/7 196/13 <b>action [10]</b> 90/4 146/8 195/20 196/13 197/6 197/11 197/16 198/24 199/1 199/10	<b>administration [7]</b> 16/24 65/18 133/11 145/22 159/5 169/25 170/7	<b>advisers [1]</b> 126/15 <b>advising [3]</b> 26/18 64/24 120/16	<b>against [9]</b> 13/2 26/19 78/5 104/21 136/20 146/3 178/23 186/7 190/18
<b>ACC [1]</b> 200/7 <b>ACC Todd [1]</b> 200/7	<b>actions [11]</b> 17/12 18/6 18/8 18/23 140/15 183/15 186/19 187/24 188/9 188/15 188/17	<b>administrations [2]</b> 36/6 41/5	<b>advocate [1]</b> 183/10 <b>advocated [4]</b> 13/22 15/1 65/25 85/4	<b>age [1]</b> 188/11 <b>agency [4]</b> 77/21 78/2 117/2 118/15
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