

Witness Name:
Statement No.:
Exhibits:
Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF GARY MIDDLETON

I Gary Middleton, will say as follows:

1. I am a member of the Democratic Unionist Party. I was first elected to Derry City Council in 2011 and served as Deputy Mayor from 2013-2014 and 2014-15. I have been MLA for Foyle since April 2015. I served on the Department for Social Development, Environment, Health and Finance committees in the Northern Ireland Assembly and was appointed as Assembly Private Secretary to the Minister for Regional Development in late 2015. I also served as Junior Minister in the Office of the First Minister during the specified period. Before being elected to the Assembly, I worked in several different roles with NYSE Technologies, NI Water and as an assistant to former Foyle MLA and Speaker of the NI Assembly, William Hay. I studied Computer Science at Ulster University and also have an Advanced Diploma in Civic Leadership and Community Planning from the University.
2. I was Junior Minister in the Executive Office ("TEO") between 2 February 2021 and 8 March 2021 and again between 17 June 2021 and 5 May 2022.
3. As a Junior Minister I was appointed to support the First Minister and deputy First Minister and assist them in carrying out their functions. The overall aim of TEO is to contribute to, and oversee the co-ordination of, Executive policies and programmes to deliver a peaceful, fair, equal and prosperous society.
4. As Junior Minister my responsibilities included providing support for the Executive and liaison with the Assembly, the North-South Ministerial Council, British-Irish Council, Civic Forum and UK Departments; international relations more generally; work on the Programme for Government; promoting and monitoring implementation of equality of opportunity/good relations; tackling poverty and social exclusion; consideration of policies impacting on children and young people, and victims and survivors; the Maze/Long Kesh Regeneration project; review of Public Administration; liaising with

the Information Service; some involvement in emergency planning discussions; discussion around improving investment in infrastructure; and liaison with the Statutory Publications Office.

5. In terms of my role in relation to the response to the Covid-19 pandemic specifically, I supported the FM by attending meetings on his behalf; updated various groups such as the Churches forum; and briefed councillors on local restrictions.
6. The Senior Civil Servant with whom I worked most closely was Kevin Kerr - Private Secretary.
7. No Special adviser was assigned to me, however, I worked closely with Philip Weir, Emma Little-Pengelly and Lee Reynolds in TEO.

Chronological consideration of how the pandemic developed and the response to it.

Impact of absence of power sharing

8. I consider the main way in which the absence of power-sharing would have affected Northern Ireland's response to the pandemic was that the Bengoa reforms approved and adopted 2016 to fundamentally transform health and social care in Northern Ireland would have only been capable of limited implementation without ministerial oversight. As such the various pressures of the health system in Northern Ireland continued to grow while the Executive was not operational.
9. The lack of Ministerial oversight would have had a particular impact on addressing funding pressures and waiting lists. The pandemic increased those pressures. However, while Ministers were only back in January 2020, i.e. not long prior to the first wave of the pandemic, I believe this was much better than having no ministers in place. I do not believe that it took time for Ministers to work out how they were in practice going to make decisions together as the majority of Ministers taking post in 2020 had previously held Ministerial office. While I was not in the Executive in January 2020, during my time in the Executive, I did not believe there was a lack of trust or cohesion between Ministers. There were differing views, however, Executive Committee decisions were taken on a cross-party and consensus basis. I first entered the Executive in 2021, one year after the formation of the new Executive. I was not aware of any significant backlog of decisions.
10. The lack of Government between 2017 and 2020 had an impact on the implementation of the Bengoa report recommendations for transformation. As such, I believe that

budgetary pressures and the absence of ministerial direction between 2017 and 2020 had an impact rather than a lack of policy development *per se*.

2021 and beyond

11. I believed that the approach proposed in “*Moving Forward: The Executive’s pathway out of restrictions*” [INQ000104467] was appropriate. This was a plan for which TEO was responsible for implementing via the Covid-19 Recovery Taskforce. It provided a clear message to the general public about the Executive’s desire to move forward and to provide leadership. It also addressed a wide range of sectors and backgrounds. Whilst I was not on the Executive during the initial stages of the pandemic, I believe that the strategy did take account of those disproportionately affected and disadvantaged and was broadly followed during my time in office. However, it is fair to say that while this document provided the framework for moving forward, medical advice was at the forefront of specific decisions. Similarly, the Covid-19 Recovery Taskforce was also responsible for implementing the “*Building Forward – Consolidated Covid Recovery Plan*” [INQ000101002] (**Building Forward Plan**). The Covid-19 Recovery Taskforce was made up of senior representatives from each of the Stormont departments who were in turn responsible for monitoring and assessing interventions, and reporting within their remits.
12. The Justice Minister’s comments about the pathway on 4 March 2020 were likely a result of her believing that the document was being undermined by the actions of Ministers.
13. There were differing views as to the speed at which restrictions should be eased from Ministers who were responsible for their respective departments. Naturally each Minister made the case for the area in which they were accountable. However, decisions were taken on a cross-party basis therefore the different viewpoints encouraged discussions and debate.

Part 3: Overarching and thematic issues

Scientific and medical advice to Ministers

14. Overall, I am not aware of issues with the production of reliable data nor with modelling of data during my time on the Executive, and I do not believe that there was any impact upon the Executive’s response during this period as a result of difficulties with data. I also was not aware of any specific issues as to the ability of the Public Health Agency to play a part in the response. However, I am surprised to now learn that people

attending PHA board meetings could not grasp why it was important to the Minister and the Department of Health to have exact and reliable figures about early deaths. If those who did not grasp the importance of data had an impact on the Health Minister's decision making then I believe it would have been useful to know.

15. In my experience, the scientific and expert advice was provided at the beginning of each Executive meeting with updates being provided by the Chief Medical Officer ("CMO") and the Chief Scientific Adviser ("CSA") as appropriate. These updates were provided both verbally and in written format, and by this mechanism we were provided with the information and advice coming from SAGE. I did not have any concerns that SAGE was too England-centric.
16. The R number was used as a benchmark for progress towards easing restrictions or alternatively looking at additional measures. It was used alongside other data such as hospital admissions to gauge the spread of Covid-19 and its impact. I do not recall any issue as to the reliability of the R number nor any problem about the publication of 2 R numbers. Indeed, I do not recall during my time as Junior Minister the reason why two R numbers were being used or whether I questioned it at the time. That being the case, I do not recall any discussion on which R number ought to have been used as a benchmark during my time as Junior Minister.
17. While I was not on the Executive in June 2020 when the CSA gave a presentation to the Executive about the R number, I believe that while I was in post there was a clear understanding among ministers as to how the R number was calculated.
18. Modelling had a significant role in determining the approach of the Executive. During each discussion as to the approach to be taken, the health data was the primary focus. When I was on the Executive, I found the data to be readily available and reliable and provided a reliable basis for decision-making. While this may have changed during the course of the pandemic, there was no issue as to reliability when I was in post.
19. Behavioural science and management was used by the Executive particularly in relation to the adherence to social distancing and mask wearing. Generally, it was used during discussions and prior to decisions being taken on easing or imposing restrictions. This evidence base was brought forward by the CSO and CMO alongside positions put forward by departmental Ministers. An example of this was around social

gatherings and events. Evidence was brought forward on house parties etc., focusing discussions on restricting the number of people allowed in households.

20. The late arrival of papers impacted on the ability of a Minister to have time to read and digest the information in time for the meetings. On occasion, Executive meetings were delayed to allow time for reading the papers. However during my period as Minister, I do not believe that this was a regular occurrence.
21. Therefore, overall, I considered that the scientific and expert advice I received was sufficiently, timely, detailed and reliable to provide a proper foundation for decision-making by the Executive Committee. The CMO and CSA were in attendance at meetings and were fully accessible. Information was provided both verbally and in written format. Presentations were also given at the beginning of Executive meetings. I also felt that Northern Ireland had good and sufficient access to the medical and/or scientific data and expertise available to and used by the UK government, and that Executive Ministers had a sufficient scientific mindset to grasp all of the scientific, medical and mathematical concepts to understand the advice we were given as the information provided was clear and articulated in a way that was understandable in order to make decisions.

Relationship with the United Kingdom

22. I was not a Minister at the outset of the pandemic and had no direct involvement or input to meetings or discussions of COBR or MIGs and therefore can't comment on their role or effectiveness.
23. When I first entered the Executive in February 2021, I believe that there was a greater joint-up effort between central and devolved government when announcements were made by the UKG, than there had been, for example, during the first wave. I think that within Northern Ireland, particularly at the beginning of the pandemic, there was a level of expectation existed within society that Northern Ireland would follow the United Kingdom Government. Therefore, when decisions were announced by the UK Government, from a public perspective, this became confusing as Northern Ireland was not automatically included. As an elected representative I regularly received communications asking – 'does this apply to us?' In Executive meetings this caused further discussion however there was a recognition that divergence wasn't necessarily a bad thing, depending on the health data at any given point and the situation developed so that the public better understood that Northern Ireland was making its own decisions. Earlier and prior notice of decisions would have helped allow for the

development of better public messaging, differentiating Northern Ireland and Central Government. The delay between a decision being taken at Westminster and a decision by the Northern Ireland Executive often meant there was a period of uncertainty from a public point of view about what restrictions applied where.

24. I do not believe that Northern Ireland Ministers were sufficiently involved in United Kingdom Government decision-making that impacted upon Northern Ireland. More information and prior notification of decisions would have helped Northern Ireland government communicate better to the Northern Ireland public. The meetings between the UK Government and devolved Ministers were often at short notice and immediately prior to announcements. There was a short time for discussion and the feeling was that a decision was already made and that the devolved administrations had little impact on those decisions. This would have been useful particularly on issues such as travel.

25. I had limited engagement and involvement with the Secretary of State for Northern Ireland, the Northern Ireland Office and the Minister for Intergovernmental Relations. I cannot recall exactly how many occasions I attended these meetings, however, when I did attend the meetings were generally in the context of update on Covid measures. As a Junior Minister, I was under the direction of the First Minister who led on these engagements and therefore the frequency of my attendance was a matter for him. However, in my experience, generally communication by UK Government could have been better and more effective. Communication was often last minute and immediately prior to announcements. This left minimal time for discussion and created unnecessary pressure on the five-party Stormont Executive to respond. Divergence between devolved regions was appropriate given the differing health data available and Covid rates. The same applied to travel restrictions across jurisdictions but better communication would have enabled the Northern Ireland Executive to discuss the options and respond appropriately. For example, there was an expectation from many in the Northern Ireland general public that when decisions were being taken by the UK Government, that those decisions would also apply to Northern Ireland. This created an additional pressure which pushed Northern Ireland in a certain direction. I cannot recall all occasions in which this took place however I do recall this being applicable when it came to the reopening of the hospitality sector and through announcements such as the Eat Out to Help out scheme.

26. Having said that, I am not aware of a lack of trust between the UK and Northern Ireland devolved government. The idea that there was a lack of trust is likely to have arisen

between other devolved administrations who appeared to want to be seen to be taking action ahead of the UK Government.

Relationship with Republic of Ireland

27. There was some consideration within the Executive Committee during my time as Minister as to whether Northern Ireland should align more closely with the Republic of Ireland given the shared land border, although I cannot recall specifically when this was considered. However, the focus of the Northern Ireland Executive was on the data available to us at the time, including the transmission rate and confirmed cases. It wasn't appropriate to align with the Republic of Ireland if the rates in Northern Ireland were higher as specific action would have been required within our jurisdiction. By the time I took up post as Junior Minister, each jurisdiction had largely adopted its own course for responding to the virus so any alignment being considered would not have been 'wholesale' alignment on the overarching strategic responses but at more localised level. As such, on occasion, localised restrictions were put in place to address rising Covid cases. An example of this was in Londonderry. The impact of a rise in cases in neighbouring Donegal (Republic of Ireland) was evident. My position was that the Executive should have regard for the neighbouring jurisdiction but the focus was on local data. I did consider that there might be an epidemiological justification for harmonising with the Republic of Ireland even simply on the basis that the virus did not stop at borders. As an MLA for a constituency which borders the Republic of Ireland, I was aware of the unique challenges that were faced when different restrictions were in place between the two jurisdictions. The challenges in border counties were particularly acute given the daily travel of citizens through the common travel area for work and education. This was a particular challenge when restrictions were different. An example of this was when cinemas were open in Northern Ireland and closed in ROI. Given the daily commute of many Irish citizens from ROI into Northern Ireland, this presented a challenge in terms of transmission of Covid19 and reducing cases.

28. However, I do not believe that it would have been appropriate to regard Northern Ireland and the Republic of Ireland as a single epidemiological unit for the purposes of Covid-19. As part of the UK, our health system works differently to ROI, and our society naturally looks to Westminster for decision making and direction. Our focus within the Executive Committee was therefore on Northern Irish citizens and ensuring that the

cases reduced and that compliance with restrictions increased. This is in line with the guidance of the Minister of Health, CMO and CSA.

29. The impetus behind the All-Ireland MOU was to promote greater cooperation and communication between the jurisdictions. Anecdotally, I believe it did have some practical effect in terms of communication though I was not privy to discussions about precisely how or to what extent this coordination and cooperation was to be achieved. In my role as Junior Minister, I did not have direct involvement in the communications.
30. I was not a Minister in the Executive at the outset of the pandemic and I am unaware of discussions which took place prior to taking up office about which structures could or should be used to facilitate cooperation and coordination with RoI. During my time in office, I am aware that the Health Minister was in contact with his counterpart in ROI and this was articulated at Executive meetings. I am not aware of any research being commissioned during my period in office aimed at understanding the impact along the Irish border, nor am I aware of any specific examples of public policy alignment as between the Republic of Ireland and Northern Ireland or whether any work was done to examine whether greater harmonisation or co-operation with the Republic of Ireland might have produced better outcomes. That having been said, I am not aware of alignment being 'actively discouraged' between administrations.
31. The records referring to Quad meetings in June 2020 in which the timing of announcements by Republic of Ireland were discussed, were during a period in which I was not in office. I can comment that given the changing restrictions and guidelines across the UK and RoI, there were occasions when members of the public became confused about what restrictions applied and where.
32. I am not aware in my capacity as Junior Minister of any reluctance on the part of RoI to share information or cooperate for political reasons nor of any other barriers to obtaining cooperation.
33. During my time in office, my focus was on the people of Northern Ireland and the constituents in which I represent and as such I am not aware of whether overall the RoI had better outcomes from Covid-19 as compared to Northern Ireland. My view is that as a province within the United Kingdom, the people of Northern Ireland naturally look to Westminster for direction on global and national issues. During my time on the

Executive there were times when alignment was appropriate and on other occasions divergence was the option taken. This was based on local data.

Legislation and regulations: their proportionality and enforcement

34. I believe criminal sanctions were considered necessary within Northern Ireland because of concern about lack of adherence to the regulations. During my period as Minister, the main alternative to criminal sanctions that was introduced was the 'Covid passport' which was a means of incentivising people to get vaccinated.

35. I do not know the reasons why the working group on compliance and enforcement of the regulations was not established prior to September 2020 as I was not on the Executive at this time. However, there were issues of consistency and fair application of the rules across Northern Ireland. The Strategic Enforcement Group was in effect an engagement group. As Chair of the Strategic Enforcement Group, and Junior Minister, I engaged with stakeholders to hear their views on restrictions and feedback on restriction plans and implementation within their various sectors. For example, Black Lives Matter protestors received fines but attendees at the funeral of Bobby Storey, a Senior Republican, received no fines. This led to a lot of sensitivity around criminal enforcement as senior figures of the NI Executive broke their own rules. I have no further evidence to give arising from my role as Chair of this Group.

36. As such, I do believe there was some reluctance on the part of the PSNI to apply and enforce the regulations. In turn this was a matter of concern for the Executive as it put pressures on businesses to enforce rules.

Scrutiny by the Assembly

37. Scrutiny by the Assembly was limited due to debates taking place after the decisions had been made. In terms of the ability of my Department to cope with Assembly Questions, arrangements were made by the Business Committee to reduce the number of questions which each Assembly member could submit each day and therefore there was no difficulty. The Ad Hoc Committee provided an additional forum for questions and was useful for clarification on key decisions taken.

Funding the response to the pandemic

38. The funding provided by UK Government was essential in terms of supporting those affected by restrictions through, for example, the Furlough Scheme, and the Eat out to Help out scheme. In terms of the comments of the First Minister on 17 December 2020

regarding not knowing how restrictions would be funded at that stage, while I was not on the Executive at the time, my understanding is that the First Minister's comments refer to the mechanism for the which the money should be paid, not whether there would be sufficient funding.

Controlling Northern Ireland's borders

39. The Northern Ireland Executive had a limited ability to control its border on those arriving, particularly from the Common Travel Area ("CTA"), and in terms of crossing the border. Restrictions were imposed within the CTA i.e. non-essential travel restrictions were in place, and requirements on self isolation and quarantine. There were also requirements on those travelling to take lateral flow tests within specific times frames. Cross border travel within the island of Ireland relied on policing on both sides of the border.
40. I do not believe that the UK Government consulted with Northern Ireland sufficiently or in a timely enough manner about issues of border control and travel restrictions. As an example of this I refer to announcements around the traffic light system for travel. Communication was often last minute and immediately prior to announcements. This left minimal time for discussion and created unnecessary pressure on the five-party Stormont Executive to respond.
41. I was not on the Executive at that time however I believe that a coordinated response was necessary and at times this was not clear. I believe the Red/Amber/Green system was comprehensible and easy to adopt however when changes were made by the UK Government there was always increasing pressure for the Northern Ireland Executive to act swiftly following the changes. It would have been more beneficial if these decisions were communicated more clearly to Ministers and officials in Northern Ireland prior to the public announcements.
42. More could and should have been done to control movement into Northern Ireland. However, this would have required additional PSNI patrols in the border constituencies. An example of this is when Covid cases were particularly high in Donegal, Republic of Ireland. Businesses were closed in that part of Republic of Ireland however they remained open in the closest county in Northern Ireland. As such, there was clear evidence of shoppers crossing the border which I believe contributed to an increase in Covid cases in Northern Ireland.

43. There was also greater scope for the PSNI and Police service in the Republic of Ireland to cooperate to ensure coverage on both sides of the border. There are examples of coordination taking place on other occasions outside of Covid 19 in terms of anti-terrorism and criminal activity operations, for example. Such cooperation would have been through law enforcement however this would only have happened through mutual agreement and enforcement on both sides of the border. Following significant events such as the Bobby Storey Funeral and the Black Lives Matter protests, there appeared to be a reluctance for the PSNI to proactively carry out enforcement of this type and scale.

Inequalities

44. I believe that the consequences of Non-Pharmaceutical Interventions (NPIs) were not always evident or given full and proper consideration, for example, the impact of school closures on children, closures of gyms on mental health and the end of face-to-face meetings for vulnerable adults.

45. In terms of the duties under section 75 of the Northern Ireland Act 1998, discussions took place around the impacts, however, the focus was on reducing cases. Minimal information was available on wider impact. Beyond the section 75 duty, Departmental ministers outlined their rationale for decisions. I do not believe sufficient evidence was available on the impact of NPIs on Section 75 groups. I am not aware of detailed assessments taking place in relation to those who may have been disproportionately affected by the NPIs. Given the pace of the pandemic, decisions were taken primarily with a focus on preventing the spread of Covid-19.

46. Indeed, measures to mitigate the impact of NPIs on specific groups of people were often only considered after restrictions had been implemented, for example, the impact of the closure of churches and gyms, the impact of reduced access to GPs, and on young people unable to sit exams.

47. Northern Ireland had features including its small population and close-knit community structures that assisted in identifying those in particular hardship and working to alleviate the worst effects. Communities were effective in terms of supporting vulnerable and isolated individuals by, for example, providing food parcels.

Public health communications, behavioural management and maintaining public confidence.

48. The Executive Committee had oversight of imagery and messaging on social media, graphics and Ministerial briefings to the press were led by FM and dFM. I believe this was effective in getting the messaging to the public. I am not aware whether there was any formal oversight of the effectiveness of public messaging by the Executive.
49. Disinformation about restrictions on social media was a significant issue which I feel the Executive lacked the ability to address. This presented a challenge around adherence to guidance. During the pandemic, it was a regular occurrence for social media posts to appear with incorrect information about restrictions and guidance. These posts were then shared widely, causing confusion for members of the general public. When Executive meetings were taking place, social media users, including members of the press, often tried to be first out with the news. It was often the case that their sources were wrong and the information that was put out by them in the public domain was inaccurate.
50. There appeared to be a particular issue with engaging young people with the need to comply with protective measures as evidenced by the number of house parties/gathering and data around case numbers for people in the younger age bracket.
51. The Executive sought to engage and improve communications with young people via information passed through social media channels and with communication to schools, colleges and universities. There was a difficulty with uncertainty around exams/qualifications etc. I am aware that individual ministers engaged with student unions and individual sectors. However, I am not aware of any reason why ministers declined to have press conferences specifically orientated at children and young people. Rather, press conferences regularly addressed particular sectors of the community, and individual briefings with specific sectors regularly took place.
52. Particularly during the first wave of the pandemic, many members of the public watched the news bulletins on television from Westminster and the lack of clarity around the geographical extent of those communications caused confusion about what restrictions applied in Northern Ireland. There was also a lack of consistency in public health messaging with the Republic of Ireland. This caused problems during the closure and reopening of certain business sectors, and around the restrictions on funerals and public gatherings. This was most acute in border counties where daily travel takes places across the land border.

53. I did not receive threats or abuse arising from the response of the Northern Ireland government to the pandemic.
54. In general, the public health messaging in Northern Ireland worked well, and particularly successful was the public messaging on social distancing and vaccination rollout. However, there were also significant issues caused by the breach of the rules by the deputy First Minister's attendance at the Bobby Storey funeral. Given the significant undermining of the messaging, joint press conferences could not continue.

Executive Committee decision-making

55. Mandatory coalition had an impact on the Executive Committee's response to the pandemic as it required ministers from 5 different political parties with often differing views and perspectives to reach a common decision. This necessarily increased the amount of discussion required before a decision could be made and therefore slowed down decision-making. However, I do believe that ministers were able, and did, set aside differences to act in the best interests of Northern Ireland. Party political views were not paramount. Rather, the health advice and the interests of society were the factors at the forefront of decision-making, rather than political causes. Individual ministers made the case for their respective departments and then a collective position was agreed.
56. Ministers within our party had pre-meetings to discuss agenda items, however, decisions were made at the Executive, on a cross-party basis of collective responsibility. The Executive does not allow for one party to determine the outcome. The purpose of the pre-meetings was to discuss the agenda and give feedback on party policy, positions and strategies. These meetings were informal and an opportunity to share ideas.
57. I was not on the Executive Committee when the cross-community vote was used and therefore am not best placed to comment on how its use impacted decision-making. However, I do believe that the cross-community vote mechanism is a key component of the structures for government in Northern Ireland as established under the Belfast Agreement. It is part of the arrangements which were agreed to allow for the formation of the Northern Ireland Assembly, supported by all Executive parties. It is also a safeguard for minority views. I am content with the mechanism in its current form and believe it should be retained. Cross community consent is an important balance with

the Northern Ireland Executive and Assembly which ensures minorities are protected and encourages compromise on issues of contention.

58. During the pandemic it was generally possible to reach an agreed position within the Executive. While, various opinions may have been outlined in the media, in this sense there was collective responsibility in decision making.
59. I do not believe that the Department of Health (“DoH”) saw the Executive as a “thorn in its side” as she stated in March 2020. It was the role of DoH to provide health advice. It was the role of the broader Executive to consider that advice alongside the individual advice provided by each department in terms of the impact of accepting the health advice. I believe this was understood by DoH.
60. During my time in office, I believe that the Health Minister was supported by the Executive Committee and that he supported other Ministers with information and through discussion.
61. I did not have any concerns about the extent of responsibility of the CMO and CSA; they each had a clear role in their engagements with the Executive.
62. Tensions commonly arose around the closure and reopening of schools and reopening of businesses and other various sectors. This was often a balance between managing covid transmission and the livelihoods of our citizens.
63. The leaking of papers for the Executive Committee created additional pressure within the Executive based on public opinion about potential restrictions and decisions that might be made. It also created suspicion as to where leaks were coming from and who might have access to information. It also created confusion about what restrictions were in place at any given time, what decisions had been made, and what decisions were being contemplated. I don’t however believe there was a policy (whether informal or not) of leaking proposed policies to test public reaction.
64. I am not aware of any particular tension between the impact of the respective roles of DoH and DfE in terms of the Executive’s ability to formulate a collective response to the pandemic, however, discussion regularly took place between various Ministers about the impact on their respective departments.
65. In my opinion the Executive Committee as the only structure which encompasses all of the major political parties that make up the political structure of Northern Ireland, is

the best means of achieving sufficient cross-community support for controversial and cross-cutting decisions. The collective responsibility that existed could not be replicated in any other existing structures to ensure political buy in.

66. In terms of the public's confidence in the Executive Committee's decision-making, I consider that the initial differences between the First Minister and deputy First Minister regarding the closure of schools likely reflected the differences of view within society at that time and therefore did not necessarily impact on confidence in the Executive. It did no doubt impact in terms of clarity of the messaging. Public confidence was affected by criticism of the Health Minister which was unwarranted and unnecessary.

67. I do not believe that public confidence would be affected by ministers, as elected representatives, giving their views in the media, for example, on the easing of restrictions and calling for a return to normality. This reflected the position of large parts of the electorate and in my view it is important and necessary to ensure that people know how they are being represented, particularly in a multi-party system. Indeed, in terms of ministers publicly disagreeing with each other e.g. the differing statements made in September 2020 by the Health Minister and the Economy Minister were reflective of the different department's roles and would be expected. I do not believe in this case that public confidence was affected. The Minister for the Economy and the Minister for Health were reflecting the realities of their respective remits.

68. Public confidence was impacted by specific actions within particular communities, such as the funeral of senior republican Bobby Storey. Indeed, the Bobby Storey funeral had a devastating impact on public confidence. The lack of adherence to the guidance by Executive Ministers, indeed, the deputy First Minister no less, Michelle O'Neill was hugely detrimental. The lack of enforcement action taken against these breaches caused significant anger throughout our society.

Communications with ministers, advisers, political party officials and civil servants via electronic devices.

69. I was issued by NICS with an ipad, laptop, and iphone during my periods as Junior Minister. I conducted government business using the ipad and laptop provided. I used Whatsapp in my professional capacity as Minister during my tenure in office but not Slack, or Signal. I also had Whatsapp on my personal phone, which I no longer have access to. I did not send messages of government business via WhatsApp. The group I was a member of was entitled – 'Exec' but I do not remember contributing to this

Whatsapp conversation. I did not use iMessage or text message to communicate with ministers, advisors, political party officials civil servants.

70. Whatsapp was used for communication of a party political nature i.e. party policy discussion, not to discuss Ministerial policy. I do not recall engaging in these party policy discussions via Whatsapp despite being added to the 'Exec' WhatsApp group. I am not aware of party members or associates having an input into these discussions.

71. All decisions were taken by the Executive Committee and formally recorded. In terms of steps taken to retain Whatsapp messages, I kept them and have provided these. I was added to the Whatsapp group when I joined the Executive and removed when I left. Informal messaging platforms were not used as an alternative to formal or minuted meetings. I do not have access to WhatsApp on my personal phone from this period.

72. I did not delete any messages on my devices. I handed back my NICS devices when I ceased to be Junior Minister to my Private Secretary Kevin Kerr. I had not deleted any messages beforehand and I do not know what was done with them. I still hold the personal device I used during the period.

73. I was not on the Executive at the time the handwritten notes in INQ000065769 but during my time on the Executive Committee the "chat" box function was regularly used to indicate who wanted to speak.

74. I did not keep any personal diaries, notebooks, daybooks or planners, either physical or electronic while Minister. Any paperwork I had was returned to my private secretary Kevin Kerr. He kept records of meetings which I attended.

Lessons Learned

75. During my time on the Executive, I believe that we did what we could to try and provide the necessary leadership and guidance for the people of Northern Ireland. As such, the Northern Ireland Executive did its best within the parameters of a five-party mandatory coalition. The nature of the coalition meant that decisions were taken by consensus and through discussion and compromise.

76. I believe that the undermining of the guidance and regulations by leading Sinn Fein Ministers did have a negative impact on the credibility of those Ministers in articulating a clear message to the general public. It is regrettable that this was the case. There was no blueprint for how the Executive should navigate Covid-19 however I believe that every effort was made to try and reduce the number of cases and deaths as a result of the virus.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: Personal Data _____

Dated: 04 / 03 / 24