

Witness Name:

Statement No.:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF MICHELLE MCILVEEN MLA

1. I have been involved with the DUP since the 1990s. I was elected to Ards Borough Council in 2005 and then elected to the Northern Ireland Assembly in 2007. I was Party Secretary from 2008. Following my graduation from Queen's University, I taught History and Politics in Grosvenor Grammar School. After I left teaching and, prior to my election to the Assembly, I worked in my family's business. From 2007, I have held the following posts within the Assembly: Deputy Chair of the Regional Development Committee; Chair of the Culture, Arts and Leisure Committee; Chair of the Education Committee; Junior Minister in the First Minister's Office (2015); Minister of Regional Development from 2015 to 2016; and Minister of Agriculture, Environment and Rural Affairs from 2016 to 2017.
2. During the specified period, I was Chair of the Infrastructure Committee from 11 January 2020 to 15 February 2022, and Minister of Education from 14 June 2021 to 27 October 2022.
3. As Minister, my role was to lead and be responsible for the work of the Department of Education (DE) in ensuring that young people in Northern Ireland receive a high quality education which meets their needs. The role involved all aspects of policy including oversight of the curriculum and learning and assessment, alongside raising standards and school improvement, early years' provision; schools; staffing; and support in all aspects of school life including child protection and safeguarding.
4. During the period from 14 June 2021, when I took up office, I fulfilled all the duties required to deal with the wide-ranging matters within the remit of the Department. In

terms of the pandemic, when I took office, schools were open and functioning, however, there was a considerable amount of uncertainty and nervousness. Our young people had been through an extensive period of lockdown; staff, pupils and parents were still managing aspects of remote learning; within schools 'bubbles' and other methods of social distancing were in place; and the Department was responding to a broad range of practical needs within schools, in particular, interventions to assist pupils academically, and with mental health issues. The priority was to ensure that pupils received an education, were not disadvantaged, and that schools were as safe as possible for both pupils and staff. There were naturally ongoing issues with regard to staff and pupil absences. This became more acute in the lead up to the Christmas break in 2021 as the Omicron variant became more prevalent. The focus during that period was in preparation for an increase in staff absences to ensure that schools could continue to function. During all of this I was in close contact with officials and I personally engaged with stakeholders including school leaders and staff.

5. The primary senior civil servants with whom I worked were the Permanent Secretary of the Department, Mark Browne, and the Deputy Permanent Secretary, John Smith who had responsibility for the Covid 19 response and his team.
6. My Special Adviser was Peter Martin. He worked with me during the period 14 June 2021 until the end of my time in office. He attended meetings, liaised with Departmental Officials, Members of the Legislative Assembly, and stakeholders.

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

Impact of absence of power-sharing

7. The pandemic officially arrived in the UK on 31 January 2020 just 20 days after the re-establishment of the Executive. In terms of how the Executive was operating at that time, I was not a Minister until significantly later in the mandate and therefore I do not have direct experience of the issues arising at this time.
8. However, in my view the absence of power-sharing caused by Sinn Fein's decision to pull down the institutions, and their blocking of attempts to re-establish the Northern Ireland Executive until 11 January 2020, inevitably impacted on the response to Covid-19.
9. First, during this period there should have been progress around implementation of the Bengoa recommendations which had received cross-party support but were sadly left on the shelf when Michelle O'Neill vacated her office as Health Minister in 2017. In

addition, and importantly, the recommendations from the Exercise Cygnus could also not be progressed because of the absence of a Health Minister and Executive. Moreover, I believe it was hugely significant that Executive Ministers were only taking offices weeks before the pandemic took hold. There was a huge backlog of work to be undertaken as well as the list of policies appended to the New Decade New Approach document.

10. Ministers were having to familiarise themselves with new roles yet were faced with an unknown and unquantifiable challenge a short time thereafter. Unfortunately, the UK Government adopted a hands-off approach to governing between 2017 and 2020, and senior civil servants were unable to make major decisions. This meant that the incoming Ministers' in-trays would have been much fuller than normal. I would think it would also be natural to expect a settling in period as Ministers took the reins of their respective departments, however, most of the Ministers would have had previous experience in the Executive, so in that sense it should not have taken long. It would also be understandable for there to be a lack of trust and cohesion between Ministers as the Executive got back up and running, given the circumstances around the collapse of the previous Executive and the blocking of an Executive for the following three years by Sinn Fein.
11. I believe that the Health Minister's comments to the Northern Ireland Assembly Health Committee on 5 November 2020 clearly confirms that the lack of policy development or reform to health services impacted upon Northern Ireland's ability to respond to the pandemic. If the Assembly had not collapsed three years previously, Northern Ireland would have had the benefit of three years' health reform and three years of policy development. There had been cross-party agreement to implement the Bengoa report recommendations and there was a clear appetite for this to be progressed.

2021 and beyond

12. The "*Building Forward – Consolidated Recovery Plan*" was a cross-departmental plan [INQ000101002]. The focus of the plan was on the economy, health and social intervention and as such monitoring and assessment would have been the responsibility of the relevant Departments.

Overarching and thematic issues

Scientific and medical advice to Ministers

13. I am not aware of any specific issues relating to the production of data in Northern Ireland. Modelling of the data would have been the responsibility of the Department of Health ("DoH"), Chief Scientific Adviser ("CSA") and Chief Medical Officer ("CMO"). I was not made aware of any issues around reliability of data and potential impact on modelling. As I was not aware of issues pertaining to the reliability of data and potential impact on modelling, I do not know if this had any impact on the Executive's response to the pandemic.
14. Scientific and expert advice was provided to me in papers submitted as part of the agenda for the Executive. At times, these papers would have been provided quite late i.e. arriving either the previous evening, just in advance of the meeting, or at the meeting. A detailed oral briefing would then have been provided by the CMO and CSA who would have talked through papers, including information and advice they might have received from SAGE or other sources, and they would have taken questions. There would also have been commentary from the Health Minister on the proposals made by the DoH.
15. I was not aware of any concerns about SAGE being too England-centric when I came into post nor was I aware of such concerns prior to this. If this had been the case, it appeared to have been resolved by the time I became a member of the Executive Committee.
16. The R number was important as the CMO and CSA were very much relying on it to make recommendations for easing or tightening restrictions. However, by the time I was on the Executive committee, no concerns around the reliability of the R number in Northern were being expressed so far as I am aware. The way in which the R Number was calculated was explained to us by the CMO and CSA and I believe Ministers generally understood what the advice we were being given. Similarly, during my time in office modelling was relied upon and presented by the CMO and CSA when making recommendations.
17. I considered the use of modelling as a key tool to assist in making decisions along with other information and considerations such as impacts on the health service, mental health and socio-economic impacts. There may have been significant changes to the way modelling was performed during the earlier part of the pandemic as understanding on how the virus acted developed. However, during my time as Minister, I am not aware of the modelling changing in any significant way that I can recall.

18. Behavioural science and management was one factor taken into account as part of the Executive's response during my time in office from 14 June 2021. It would have been used when discussing managing the restrictions. Scenarios were suggested as to how people were likely to react and as we moved through the pandemic, how they were reacting. This would have informed decisions. Examples would have been in relation to mask wearing and social distancing. When decisions were being made we took the advice from the CMO and CSA around behaviours
19. As outlined at paragraph 14, there was often an issue with late papers being supplied for Executive meetings. Indeed, sometimes these papers were tabled at the meeting. Ministers would therefore not be in a position to read those papers in advance, or have an opportunity to raise issues with officials in advance of the meeting. This inevitably had an impact on the quality of decision-making in those circumstances.
20. Generally, therefore, the scientific and expert advice put before the Executive was not timely, primarily as a result of the late arrival of papers. However, once received, the written advice, coupled with the detailed briefings by the CMO and CSA, would have been, in my opinion, detailed, reliable and clear. Questions were asked of the CMO and CSA during meetings. It would have been much better in terms of preparation for such meetings and the depth of interrogation if papers had been provided in a timely fashion. There was also further discussion and exploration of issues carried out with the CMO and CSA in relation to developing policy in respect of my Department. I cannot properly comment on the sufficiency of access to the scientific data and expertise from UK Government that was made available to the CMO and CSA for onward communication to us as this would have been a matter within the remit of the Health Department and perhaps the Executive Office, but I can say that I was not aware of any complaints to the contrary.
21. The role of a Minister is to interrogate and weigh up a range advice from experts and to reach decisions on policy. While I do not have a scientific background, I was content that there was sufficient expertise among those who were providing advice and assistance to ensure that Ministers understood the advice and recommendations.

Relationship with the United Kingdom

22. I was not a member of the Executive during the first wave of the pandemic in 2020. However, it was apparent that in the early stages of the first wave, Northern Ireland had lower case numbers than some other areas of the UK. While this might have provided the Executive with some time to gauge what was coming, I am not convinced

it was enough time to put in place sufficient additional measures to make a difference or indeed learn from the mistakes of others.

23. Northern Ireland is part of the United Kingdom and it would be assumed that given there was a world wide pandemic and there would have been more limited expertise regionally and that Northern Ireland and the other devolved regions would have been following the lead of the Westminster Government. As time went on, there were deviations on approach across the regions to suit the demographic differences and behaviours and as a result of a greater understanding of how the virus transmitted. I believe having a good relationship with central government was needed for the purposes of expertise and financial assistance.
24. I was not a Minister during the initial months of the pandemic and as such I would not have been fully aware of the problems being faced by those in Ministerial office or by senior officials caused by centralised decision-making. From the outside, it did appear that local decision-makers were being reactive in policy making and then patching up issues when they arose as a result of poor policy development. It also seemed that central government was throwing large amounts of money at devolved administrations who had no idea how this was going to be spent and threw money at projects. This has resulted in numerous businesses who were initially told that they were eligible for support having money clawed back from them a number of months later.
25. Given the impact of the pandemic varied from region to region during different phases of the pandemic, a 'one size fits all' approach from Westminster was also going to be difficult. However, the make-up of devolved administrations which politically are very different from Westminster is also an issue. Where you have a Conservative UK government, a Scottish Nationalist Scottish government, a Labour Welsh administration and a mandatory coalition of different political parties in Northern Ireland, there are always going to be inherent problems with differing ideological approaches and the potential of political one-upmanship (i.e. appearing to be much more serious about tackling the virus). However, having said that, during my time as a Minister, I personally was not aware of any mutual lack of trust or understanding between the UK Government and representatives of Devolved Administrations.
26. I did attend high level Quad meetings with Ministers with education responsibility in order to discuss GCSE and A-level examinations and results. These were useful in determining how each region was dealing with the impact of Covid regulations on students and examination outcomes.

27. I am unaware of what engagement there was with UK Government in the early part of the pandemic. However, there was a perception that the UK Government was making hasty decisions requiring devolved regions to react. This was a general perception based on views expressed by the general public in engagement with me. This was in the early days of the pandemic and I was not a member of the Executive Committee at this time.
28. I am aware that the Deputy First Minister, Ms O'Neill commented in her statement to Module 1 of this Inquiry that "actions by the British Government" hindered the Executive's ability to reach consensus [INQ000183409]. This statement is very general but Ms O'Neill is an Irish Republican and will, by virtue of this, view matters through an anti-British lens. I would not be in a position to comment on matters which occurred prior to joining the Executive, but during my time as Education Minister I am not aware of any examples of when the UK Government approach impacted the ability of the Executive Committee to come to an agreement.
29. I did not have any direct contact with the Secretary of State for Northern Ireland, the Northern Ireland Office and/or the Minister for Intergovernmental Relations during my time in office and I am not aware of the role that these entities played in the early stages of the pandemic.

Relationship with Republic of Ireland

30. The Independent SAGE report dated 12 May 2020 pre-dated my membership of the Executive as did the Memorandum of Understanding ("MoU") agreed between the jurisdictions. Any decisions or discussions around alignment would have been taken before I took up office and I would not have been privy to any information or evidence informing those discussions. I am not aware of any consideration being given within the Executive to whether Northern Ireland might have an "island advantage" if it aligned its policies or approaches more closely with the Republic of Ireland during the early stages of the pandemic. I do not recall it being raised during my time on the Executive Committee. As the matter did not arise, to best of my knowledge, during my time on the Executive Committee, I did not take any position on aligning the approach with the Republic of Ireland. There may well have been an epidemiological justification for harmonisation with the Republic of Ireland or indeed for a UK and Ireland harmonisation, but I have not seen any evidence in relation to such a suggestion and I was not asked to consider the animal health model as an appropriate or sound comparator in the context of Covid-19. I would suggest that the transport and interactions of human beings are completely different from the much more restrictive

means by which disease control is carried out for animals. For example, it is much easier to separate a herd of cows in a contained area for a sustained period of time than it is for humans. The idea of such a model for human beings is perhaps oversimplistic.

31. As above, I was not involved in the Executive committee at the time of the development or agreement of the All-Ireland MoU. I can only speculate that it was felt that greater cooperation and exchange of knowledge would be helpful in protecting people during the outbreak. The affirmation in itself would have no practical effect but would be the overarching objective of the principles and actions which following the MoU. The MoU was between the two respective Departments of Health and they would be best placed to express a view on whether the aspiration of cooperation and coordination was achieved, and the MoU's aims met. I do not recall any concerns being raised by the Department of Health in this regard during my time on the Executive Committee.
32. There were structures in place through the North South Ministerial Council particularly in those areas covered by that body which included the areas of health, and health promotion. I doubt if these structures would have been suitable to meet the needs of greater cooperation or coordination needed in a fluid situation such as a pandemic. The NSMC meetings tend to be high level with the agenda, content and press release agreed in advance with little room for discussion by Ministers. A different approach or vehicle would be needed to have allowed for a greater degree of cooperation or coordination. This body is also restricted in what it can do by the Belfast Agreement. In my view, additional formalised structures would be unnecessary. It was, however, important that there was cooperation and information sharing to assist and inform decision-making in the two jurisdictions.
33. I am not aware of any research having been commissioned by the Northern Ireland Executive or key decision makers aimed at understanding the impact of Covid-19 along the Irish border either during my time in office or before. It is most likely, if such research was commissioned, that this was carried out by the Department of Health or some arms-length body associated with that Department.
34. I am not aware of any active discouragement of comparative analyses of health outcomes, as between outcomes for Northern Ireland and RoI, and as this type of analysis would have been primarily a matter for DoH and/or TEO to commission, I am unable to provide any further insight as to what analysis in fact took place.

35. I was not a member of the Executive prior to June 2021 and am not aware of any problems regarding the timing of announcements by RoI causing difficulty for Northern Ireland decision-making.
36. I am also not in a position to comment on whether there was any reluctance on the part of the Republic of Ireland to share information or to further cooperation with Northern Ireland for political reasons. Certainly, during my time of office as Minister for Education, I did not encounter any specific difficulties. However, I could understand how cooperation could have been affected by, for example, the fact that Sinn Fein is also a political party in the Republic of Ireland, as there were those who wished to capitalise on the decisions made by others for political gain. This is something which would be a matter of public record at the time, for example the different approaches taken by the SNP in Scotland and the Labour Party in Wales who it seems wanted to be seen to be acting more firmly on the virus than Westminster or in Northern Ireland where parties were demanding action such as the installation of HEPA filters in every room in schools regardless of cost or effectiveness. I am not aware of any other political, diplomatic, practical or other barriers to obtaining cooperation
37. The Executive collapsed in February 2022 and no Executive meetings took place since then, although Ministers stayed in office until 27 October 2022. I am not aware of any research having been commissioned while the Executive was operational and no such research was commissioned through DE while I was Minister to examine whether greater harmonisation or co-operation with Republic of Ireland might have produced better outcomes in Northern Ireland. Such research would, in any event, not have fallen within the remit of my Department.
38. Indeed, I am not aware whether the Republic of Ireland had better outcomes from Covid-19 as compared to Northern Ireland. There are different ways of measuring outcomes and interpreting data, for example, the means of measuring deaths caused by Covid was changed by the UK part the way through the pandemic and there were concerns around co-morbidity which meant that although diagnosed with Covid it may not have been the cause of death. Some of that information is still filtering through in terms of excess deaths, wellbeing and economic impact. The Republic of Ireland also has a significantly younger demographic than the UK and it is well documented that the risks to older people from Covid are substantially higher.
39. By the time I became a member of the Executive Committee, which was after the first wave, there were no discussions around the relative merits of adopting a strategy of alignment with either the Republic of Ireland or the UK Government; these high level

political debates had largely fallen away by June 2021 and the Executive had a broad approach of its own. I was not in possession of any reports or evidence in relation to the benefits or otherwise of any alignment. I am therefore not aware of any discussion or decision-making in relation to public policy alignment with the Republic of Ireland. During my time as Education Minister, there were no discussions or decisions that I can recall to align public policy with that of the Republic of Ireland, and I cannot provide any specific examples of any such alignment.

Legislation and regulations: their proportionality and enforcement

40. The decision around whether to impose criminal sanctions in the Regulations was made prior to me becoming a member of the Executive. I was not part of the discussions around this and as such I am not aware of the rationale for introducing such sanctions other than what would be on the public record.
41. I was also not a member of the Executive Committee during 2020 when concerns arose around enforcement of the regulations but there were still concerns regarding enforcement of and adherence to existing regulations when I first became a Minister. I consider that Northern Ireland faced a particular difficulty with enforcement after the Bobby Storey funeral. A poor example had been set by Sinn Fein Ministers and senior members of that party in relation to Bobby Storey's funeral and it makes it extremely difficult to tell people to obey regulations when those who are instructing the public have publicly behaved in such a manner.
42. From a constituency MLA viewpoint, particularly during 2020, there seemed to be a great deal of confusion from the public and PSNI about what was enforceable and what was guidance. One of the problems in my opinion was the diversity of approaches and how these were reported on the media. When you have the mainland news outlets reporting the English regulations and these are broadcast throughout the UK and then you have short local bulletins after I believe that this can cause confusion. The constant changing of guidance also led to confusion.
43. The PSNI also found itself being criticised when it stepped in, such as during the Black Lives Matters protests, and then when it did not step in as during the Bobby Storey funeral, but rather was perceived to have facilitated the breaches.
44. There were real concerns around the Republican funeral for Bobby Storey which took place on 30 June 2020 purportedly attended by over 1500 people including deputy First Minister Michelle O'Neill, Sinn Fein leader Mary Lou McDonald and other senior

Sinn Fein and Republican members. The fact that a funeral of this scale was permitted to proceed while others could only go ahead with a handful of mourners would inevitably have undermined the message being sent out to the population at large around social distancing and the risk of infection at large gatherings. The fact that Sinn Fein, the second largest party in the Executive at that time, were so heavily involved massively contributed to this perception. Whenever the rule makers are so publicly the rule breakers it is difficult for the public to believe the message that is being delivered.

45. I do not recall any discussions around alternative forms of enforcement of Covid-19 related restrictions while I was a member of the Executive committee other than the introduction of Covid passports which required individuals to provide proof of vaccination in hospitality venues. This would have required enforcement by the hospitality venues. These were matters before I came onto the Executive Committee. However, I feel that the PSNI weren't given clear guidance on how and what to enforce, and not given sufficient political support to carry out their jobs. In my view, greater clarity should have been provided by the Department of Health who were responsible for the legislation, but also by the Department of Justice to provide support to the PSNI. Political support for the police was the responsibility of all elected representatives, but, as I have indicated, the actions during the Bobby Storey funeral massively impacted on the public's view of restrictions and the PSNI's authority in enforcement as a result of the fallout from that funeral.

Scrutiny by the Assembly

46. While all MLAs were entitled to attend the Ad Hoc Committee on the Covid19 Response to hear statements from Ministers and to ask questions, due to restrictions on social distancing in the building, and the Chamber in particular, this was generally limited to members of the Minister's scrutiny Committee. Other Members therefore often felt excluded from this. From a personal perspective, I did not find the Ad Hoc Committee to be particularly effective. It was very formal, and members were also restricted in the number of questions they could ask. Members were also encouraged to keep their questions succinct with no statements. The format did not allow for detailed scrutiny and was based on the structure used for oral statements. From January 2020 until June 2021, I chaired the Infrastructure Committee. We met throughout the pandemic and continued to scrutinise the work of the Department of Infrastructure. The Minister and Officials regularly attended Committee either in person or remotely as they would have for other scrutiny committees.

47. In terms of Covid legislation, I do not feel that there was a sufficient level of scrutiny of Covid legislation but this was emergency legislation which to be effective to meet changing circumstances could not go through the usual rigours of scrutiny as ordinary legislation. However, legislation followed announcements by several days which caused confusion in the public arena when the measures were being debated.
48. During my period as Minister, my Department was able to cope with the number of Assembly Questions it received and was able to engage with MLAs. I attended Committee; answered Oral questions in the Assembly; responded to written questions and correspondence. While it was an incredibly busy time I was well supported by Officials.

Funding the response to the pandemic

49. The Health Service will always require more funding i.e. whether during a pandemic or not, there will always be ways for the Health Service to spend more money. However, while there was significant funding made available by the UK Government, I am not satisfied that the money was directed in the most appropriate way in all circumstances. In that first year of the pandemic, there almost seemed to be some desperation to throw money around rather than developing a coherent plan to address those in need. There was a particular concern among local MLAs about those constituents who were falling through the cracks such as the newly self-employed and those with businesses who shared premises.
50. I was not a member of the Executive Committee in 2020 and as such I would not be in a position to advise if the introduction of NPIs were actively being considered prior to their introduction by UK Government. As Executive papers and discussions are held in confidence, I would not have been aware of discussions around NPIs and funding issues but I can appreciate that given the fixed budget of the Northern Ireland Executive that this would clearly have restricted this as an option.

Controlling Northern Ireland's borders

51. I understand that public health matters relating to the entry into Northern Ireland (including pre-departure testing, passenger locator forms, quarantine and/or testing after arrival) were issues primarily dealt with by the emergency powers granted to the Department of Health in the early stages of the pandemic under the Coronavirus legislation. These powers were granted to the Department of Health but it became practice for the Minister to bring these to the Executive for consideration and approval.

52. During my time as a member of the Executive Committee, I do not recall issues around the Common Travel Area and coordination of the approach between Britain and Ireland being at meetings of the Executive Committee that I attended. I would not have been involved in Ministerial meetings across the administrations where this might have been discussed.
53. I was not a member of the Executive Committee at the time when the system of characterising countries as Green/Amber/Red in terms of Covid-19 risk for travel was introduced and I would not be in a position to comment on whether Executive Committee members found it clear, comprehensible and easy to adopt. It was a system which was still in place when I took office on 14 June 2021. It did appear to be confusing given the changing of status of different countries during its operation and I am unclear as to whether it afforded the support to the travel industry that it intended or the certainty to the travelling public.
54. There is possibly an argument that more could or should have been to control movement into Northern Ireland in the early stages of the pandemic. The powers to restrict movement were not in place until the end of March 2020 by which time the virus was already present in Northern Ireland. How effective greater controls would have been later on as the pandemic progressed, are arguable particularly given other considerations such as the open border with the Republic of Ireland, and the need for a functioning economy which necessitates movement of people (and goods) in and out of other jurisdictions.
55. However, I do think there was greater scope for the United Kingdom and the Republic of Ireland to cooperate in relation to border control. The border is extremely porous and unmanned. Greater cooperation could have been achieved through a British Isles approach to border control and by treating the UK and the Republic of Ireland as one epidemiological unit. The practicalities of manning a land border would have been much more complex and difficult to manage.

Inequalities

56. I am aware that the CMO's statement to Module 1 of the Inquiry suggests that Ministers initially felt less informed of the wider societal and economic consequences of the Non-Pharmaceutical Interventions ("NPIs") introduced. I was not a member of the Executive Committee at this time and I would not be best placed to comment on how Ministers at that time felt. By the time I became a member of the Executive Committee, the concepts of social distancing, cleansing, hand hygiene, reducing contacts, self-

isolation, travel and border restrictions and so on were well embedded in approaches to combat the spread of the virus and well understood.

57. Under section 75 of the Northern Ireland Act 1998, each Department is required to equality screen all of their policies (including NPIs) and services to determine whether or not these should be subject to a full equality impact assessment. A full list of the policies and services determined by the DE is available on the Department's website. The policy team within the Department would complete the relevant screening form, this would be signed off by the senior manager responsible for the policy, and sent through to the Department's equality team.
58. The section 75 duty is very broad covering persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation as well as men and women generally. The policies are also determined through a Rural Needs Assessment. I was not a Minister during the more stringent NPIs such as lockdowns, which it has been seen led, for example, to significant increases in domestic violence, as shown by PSNI figures released, and mask mandates, which would have had an adverse impact on those with hearing difficulties, so I am unaware of what assessments were carried on in relation to such policies. However, the Executive Committee was very aware of the impact of NPIs on those living in poverty which is why free school meal payments were made, and, during lockdowns, financial assistance was provided to Councils in order that food parcels could be distributed to those in need. As Education Minister, I was acutely aware of the impact that school closures might have on student mental wellbeing and future educational outcomes. Measures were introduced to assist those students who had fallen behind due to the pandemic and a pilot scheme was commenced for counselling in primary schools (however this was discontinued after the Assembly's most recent collapse due to a lack of funding).
59. From my perspective as Education Minister, it was a priority for me to ensure that not only did schools remain open but that those schools were a safe environment for staff and pupils. I wanted to ensure that schools were provided with sufficient funding for children to catch up where they had fallen behind; that mental health services were available to support children; and to provide a school holiday food grant. I felt that being in school was the best place for children in terms of their development and education. This was the approach taken by other members of the Executive Committee in relation to their own Departmental remits and endorsed by the wider Executive Committee.

60. Northern Ireland benefitted from a strong sense of community and an effective network of community and faith groups and family support, which helped enormously in the response to the pandemic.

Public health communications, behavioural management and maintaining public confidence.

61. In terms of public health messaging, this was managed by the Executive Office and the Health Department. This messaging would have been agreed by the Executive Committee and reviewed. I am not aware of any specific assessment of the effectiveness of the public messaging although there were concerns expressed by the CSA regarding poor enforcement and compliance as set out in [INQ000048536].

62. There were significant social media disinformation campaigns around various aspects of the pandemic response. These gathered more momentum during the course of the pandemic, particularly when disproportionate measures such as vaccine passports were introduced. For example, as Education Minister I was accused of mandating the vaccination of pupils and on other occasions accused of "*sending lambs to the slaughter*" for not installing HEPA filters in every room in schools. These examples were in addition to the campaigns claiming that coronavirus was a fiction that was created by government to control the population for some unidentified nefarious purpose.

63. I was not a member of the Executive Committee in or around Summer 2020 when there was a particular issue around engaging young people with the need to comply with protective measures. I do not believe this was raised as an issue during my time as a Minister and I am not aware of any correspondence sent to me from NICCY on this issue during my time as Education Minister. From my time in office, I was aware that my Department liaised with a number of representative bodies including the Secondary School Union Northern Ireland. At no time did I decline to hold a press conference specifically orientated at children and young people.

64. The difficulty with a lack of consistency with public messaging arose when there was a divergence in guidance among the various regions of the UK. This was compounded by mainstream media focusing on English regulations which were broadcast nationally, and then shorter Northern Ireland bulletins which did not have the same time to provide depth and analysis, particularly in the later evening bulletins. This wasn't as much of an issue in relation to Republic of Ireland as those guidelines were not covered by the media in the same manner

65. In terms of whether I was subjected to abuse or threats arising from my role in the response to the pandemic, there was some frustration expressed by people and, at times, the communications I received were aggressive in tone. I received emails, phone calls, social media posts and visits to the office. However, I never felt physically threatened by these individuals. I can appreciate that some people were scared while others disagreed with particular policy approaches.

66. The daily press conferences were a useful tool particularly in the early stages of the pandemic. The effectiveness of these, I believe, lessened as time wore on. However, the online nature (as opposed to being live on mainstream media outlets) of the Northern Ireland press conferences was much less effective than the UK Government broadcasts. Not everyone has access to a computer or would necessarily search out those broadcasts whereas the UK Government's broadcasts were very easily accessed on mainstream media. The television ads and localised signage were very effective.

Executive Committee decision-making

67. Mandatory Coalition is the process of government we have had in place in Northern Ireland since 1998. It has always been a challenging framework in which to govern, and that was true prior to, during and following the pandemic. Given the nature of the parties around the table it is natural that there would be differences.

68. The system presented challenges because you have a variety of parties all with ideological differences as well as constitutional differences. Most parties would not have been as pro-business as the DUP while parties like Sinn Fein would always have been looking to alignment with the Republic of Ireland, rather than being focused on what was best for Northern Ireland. The other difficulty is that we were in government with Sinn Fein whose party is governed centrally by unelected and unaccountable people rather than with those sitting around the Executive table.

69. Such differences can impede decision-making. A prime example of this was around vaccine passports. It was evident that such a policy would have a negative impact on the hospitality industry while there was no evidence that it would stop or slow down transmission, given that being vaccinated did not stop someone becoming infected or spreading the virus. It was a policy to try to drive more people to be vaccinated. The DUP did not support such a policy but the other parties in the Executive did.

70. Having said that, overall, I think the parties did act in the best interests of the Northern Irish public. While there were disagreements over certain policies, there was support for decisions made around lockdowns and supporting the vulnerable. There are obviously examples such as where Michelle O'Neill was critical of Robin Swann, the Health Minister, and the reasoning behind that will only be known to Miss O'Neill and Sinn Fein. The behaviour of Sinn Fein around the Bobby Storey funeral was also clearly at odds with what was in the best interests of the people of Northern Ireland at that time. There were also concerns about parties recalling the Assembly for political reasons, for spurious debates on the pandemic which would undoubtedly have been confusing for the general public looking on. As Education Minister, I was subjected to various motions tabled by other Executive parties around guidance for schools (in particular from Sinn Fein) when the guidance had not changed nor did it need to be changed, and on the provision of HEPA filters (by the SDLP) in every room in schools which not only would have been cost-prohibitive but there was no evidence that this would have been effective. I was concerned about the impact that this mixed messaging was having on the general public
71. I do not believe the decisions which I was involved in making were determined by my Party or a political cause. I felt at the time that I was responding to the needs of those who elected me by ensuring that decisions were made in the best interests of the wider community, be that in respect of their health, education or the economy. The focus during that period was primarily about lifting restrictions in a considered manner and returning society back to normal.
72. During my time in office the DUP Ministers would, on occasion, have met for a short time prior to an Executive meeting to discuss the agenda. However, when the papers arrived very late (which was often), it was not possible to have lines to take prepared. Indeed, at times information would have been tabled at the Executive meeting itself, so it would have been impossible to have a pre-determined outcome agreed beforehand by the Party on an issue. Overall, as a group we would have broadly similar views but that does not mean that our opinions could not have been changed by a strong argument or evidence. The five cross-community votes took place prior to my time in office and as the meeting was held in confidence I am not aware of the discussions which led to the votes.
73. I believe that cross-community votes should not be categorised, in the sense of being suspended in certain situations, and should be available for use in any given scenario

should the circumstances dictate. This is a mechanism which formed part of the Belfast Agreement. Its use should be left to the Ministers' discretion.

74. I believe that there was collective responsibility on the majority of occasions. All Ministers in Northern Ireland are bound by the Ministerial Code which states at: *"(f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly"*.
75. I am aware that prior to my time in office Michelle O'Neill commented that *"DoH see Exec as thorn in side"* [INQ000065748]. I was not aware of Michelle O'Neill making this comment at the time or the circumstances around this. I would be of the view however that the Department of Health would have been significantly more restrictive and perhaps would not have taken into account greater societal impacts of certain measures. For example, the imposition of vaccine passports seemed illogical given the lack of evidence to support vaccination preventing the vaccinated from spreading the virus. However, the measures would have a significant adverse impact on the hospitality sector, which had been already hit hard by previous measures.
76. I believe the Minister of Health was supported by his ministerial colleagues on the Executive Committee during the specified period.
77. The CMO and the CSA had a considerable amount of influence during the specified period. I think there was a need for Ministers to avoid overreliance on the advice provided and to recognise that this advice was one part, although a very important part, of the factors to be taken into account when reaching decisions. It seemed easier for some to simply take into account what was being presented by the CMO and CSA. This is not a criticism of the CMO or CSA who, from my perspective, performed their roles appropriately.
78. At the time I served on the Executive Committee there were tensions at different times on a range of issues, some of which were not pandemic related. The principal pandemic-related issues that would have caused tensions were the pace of the relaxation of restrictions and the vaccine passport scheme.
79. Leaking was commonplace, and this was exasperating. It often meant that the agenda was set in advance of meetings, perhaps to deliver a particular outcome. At times there was ongoing commentary from the media as an individual/individuals who were either physically or remotely in the room were passing on 'in time' information. None of this

was helpful in regards to trust amongst Ministers or Officials and had a detrimental effect on the public perception of the competence of the Executive.

80. I did not observe tensions between the respective roles of DoH and DfE during my time on the Executive but I understand that would have been the case particularly during the early stages of the pandemic. Obviously, the decisions being taken by DoH at that time were having a massive impact on the Northern Ireland economy and in particular on small businesses.

81. As far as I am aware there was no policy, whether formal or informal, of leaking proposed policies to the media.

82. I believe the Executive Committee was the most effective structure for the government in Northern Ireland to respond to a pandemic because it was representative of the five main parties in Northern Ireland and therefore Northern Ireland as a whole.

83. I think ideally there should have been a unified message from the Executive Committee in relation to various issues. However, there were inevitably differences in opinion on the way forward. When I was in the Executive, there were matters that myself and party colleagues could not support. In saying that I don't perceive the political debate over these matters to have impacted on public confidence as it also showed the consideration of the factors involved in taking such major decisions on the restrictions of people's freedoms. I feel that the example of those who advocated most for the restriction of those freedoms actively contravening those regulations i.e. by attending the Bobby Storey funeral, was much worse in terms of the adverse impact on public confidence in the message.

84. I believe that those who set the rules need to be seen to set the example. The behaviour of senior political figures and advisors in the UK clearly undermined public confidence. The Bobby Storey funeral, referred to previously, is one matter that still gets highlighted by members of the public as an example of hypocrisy by those dictating to others. The whole fiasco caused considerable damage to relationships in the Assembly and massively undermined public messaging.

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

85. I was issued with a Ministerial iPhone, ipad and laptop. These devices were returned at the end of my time as a Minister.

86. I used Whatsapp to communicate with my special advisor. The text of these messages has been submitted. There was also a Whatsapp group of the DUP ministerial team which I became part of following my appointment as Education Minister. All messages in my possession have been submitted. There were also discussions with civil servants on NICS devices which have not been in my possession 27 October 2022. I did not use Slack, Signal, SMS or iMessage to communicate in my capacity as Minister. I did not use Whatsapp on my NICS issued device. I only used Whatsapp in my personal phone. Whatsapp on my personal phone was not for conducting Ministerial discussions or decisions but for personal and party use.
87. I do not believe that informal messaging platforms used on Ministers' NICS devices, or personal mobile devices, were used as an alternative to formal or minuted meetings.
88. I did not delete any messages from my NICS- supplied mobile device nor from my personal mobile device. My NICS devices were handed to my private secretary on the evening of the 27 October 2022 when I left office. I had not deleted any messages beforehand and I do not know what NICS did with the devices after I returned them. I still hold the personal device I used during the period.
89. Whatsapp chat was used to communicate with colleagues particularly during Zoom meetings. The text of these chats have already been submitted. I do not recall in-Zoom chat function being used during meetings and it was not a function which I used. I communicated by WhatsApp with the following individuals:
- Peter Martin – Special Adviser Education
 - Paul Givan – First Minister
 - Gordon Lyons – Economy Minister
 - Edwin Poots – Agriculture Minister
 - Gary Middleton – Junior Minister
 - Richard Bullock – Special Adviser TEO
 - Mark Beattie – Special Adviser DAERA
 - Allister Ross – Special Adviser Economy
 - Phil Weir – Special Adviser TEO
 - Paul Frew – Economy Minister before Gordon Lyons

I was also a member of a WhatsApp group called "Exec". The purpose of communications by WhatsApp was to discuss party business, it was not for conducting Ministerial business. These conversations were general commentaries, not discussions on decisions in advance of them being taken.

90. My NICS-issued equipment was returned to the NICS when I vacated office. I did not download any material from it. I have retained and provided a print out of all relevant communications from my personal device to the inquiry. I did not keep any personal notebooks, diaries or planners during my post as Minister during the specified period.

Lessons Learned

91. It must be appreciated that at the start of the pandemic there were a huge number of unknowns given that this was a new virus. As such, many early steps were very reactionary. By the time I became a member of the Executive Committee, communication had certainly improved. I feel that the information and advice that I was receiving was certainly adequate for me to make key decisions. Unfortunately, some members of the Assembly came to use the virus as a means to try to score political points which resulted in recalls of the Assembly and hyperbolic language being used which was unnecessary and scaremongering – these were parties which had Ministers in the Executive so perhaps that information was not filtering down to that level adequately. I felt that there was reasonably good coordination and certainly where there were issues, such as those around testing in schools, my Department and the Health Department were able to navigate these through cooperation.
92. I do feel that in the early stages of the pandemic, when I was not on the Executive Committee, there could have been better coordination but I feel that relations had been damaged and confidence hit by the Bobby Storey funeral and the lack of accountability around this. This is a perception I gained from being on the outside of the Executive Committee at the time. It appeared as though there were tensions created as a result of the Bobby Storey funeral. These were apparent to me when viewing the press conferences which were jointly held by the First Minister and deputy First Minister over that period. It also seemed to me, in the early days of the pandemic, that there were briefings from the deputy First Minister who it appeared was pushing for following the Republic of Ireland's approach while the First Minister appeared to be advocating the UK-wide approach, particularly in terms of keeping avenues open for transport with the mainland because of concerns around the long-term economic impacts shutting those down could have on Northern Ireland.

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: 12th March 2024