

Witness Name:

Statement No.:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF GORDON LYONS

I, Gordon Lyons, will say as follows:

1. I have been a member of the Democratic Unionist Party (“DUP”) since 2006. From 2007 to 2012 I was Parliamentary Assistant to Sammy Wilson MP. From 2012 to 2015, I worked within the DUP Policy Unit. From 2014 to 2015 I was elected as a Councillor onto Mid and East Antrim Council. In 2015, I became MLA for the East Antrim constituency. From 2017 to 2020, I was the DUP Assembly Group Chief Whip.
2. When the Executive was re-formed on 11 January 2020, I was appointed by the First Minister as Junior Minister in the Executive Office (“TEO”). I remained in that role until 17 June 2021 save for the period between 2 February 2021 to 8 March 2021 when I served as Minister of Agriculture, Environment and Rural Affairs (“DAERA”) as a result of Edwin Poots standing down temporarily for health reasons.
3. On 6 July 2021 I was appointed as Minister for the Department for the Economy (“DfE”). I remained in post until 27 October 2022.
4. During the period from 11 January 2020 to 15 February 2022, (“the Specified Period”), my role as Junior Minister was to support the First Minister and the work of TEO, and in my ministerial roles, I had responsibility for each of the respective departments I led.
5. Junior Ministers (“JMs”) in TEO were in place to support the First and deputy First Ministers in their role. This included deputising when necessary and taking the lead on

issues as they determine. In particular, during the Specified Period, JMs were responsible for engagement with a number of sectors affected by the Coronavirus regulations and taking those regulations through the Assembly. Declan Kearney was the Sinn Fein Junior Minister and he assisted the deputy First Minister. We were part of the Engagement Forum, the Faith Leaders Group and led on engagement with political and civic leaders in the North West when area specific restrictions were put in place. Junior Ministers do not have the power to take decisions and while they attend Executive Meetings, they do not have a vote.

6. Within TEO, I worked with the then Head of the Civil Service, David Sterling and Karen Pearson. Within DAERA the Permanent Secretary was Denis McMahon, and within DfE, I worked with Mike Brennan (the Permanent Secretary) David Malcolm and Paul Grocott.
7. As JM in TEO, I did not have a Special Adviser working to me. Within DAERA, my Special Adviser was Mark Beattie, and within DfE, my Special Adviser was Alastair Ross. Both Special Advisers provided me with political advice and support, including writing speeches, providing policy advice, and liaising with outside groups.

The development of the pandemic and the response

The impact of absence of power-sharing

8. While I never worked directly within the Department of Health (“DoH”) to understand first-hand the effects of the suspension of power-sharing, I consider that the absence of the Executive would have had an impact on the long term stabilisation of the health service. It meant that the reforms planned following the Bengoa Report, could only be progressed in a limited way, although it is likely that the money directed to Health from the confidence and supply arrangement in 2017 to 2018 allowed some transformation to take place, and would have helped ameliorate some of the immediate issues arising within Health during the period.
9. I am unable to comment on whether the lack of policy development during the period affected the overall response to the pandemic, and consider that DoH would be better able to address the impact this had. In terms of the impact on Ministers coming into post shortly before the pandemic was taking hold, this likely meant that Ministers had had little time prior to Covid issues taking over to get to know their Ministerial briefs, but overall, I do not think that if Ministers had been in post for longer that this would have greatly assisted them in how to deal with responding directly to the pandemic,

which would always have been a novel and complex issue to deal with, and for which Ministers (particularly outside Health) were unlikely to have spent any significant time preparing for.

10. It did take some time for Ministers to work out how in practice they were going to make decisions together when the Covid pandemic hit, but I do not believe this was as a result of the lack of power-sharing prior to January 2020, but rather it was due to the unprecedented nature of the pandemic which required decisions to be taken in very short time periods, against a backdrop of widespread and significant public concern. I do not recall there being a big backlog in decisions that required to be taken in TEO but I was not a decision-maker. I do not know whether there was a backlog in other departments. While there were some initial tensions about issues such as the timing of school closures, in the first wave of the pandemic after the lockdown was announced, I believe that Ministers were sincere in their desire to work together to protect people, and did put differences aside to a greater or lesser extent to achieve that aim.
11. In terms of whether Northern Ireland was 18 months behind the rest of the UK in ensuring sector resilience to a pandemic flu outbreak as mentioned in a TEO document of 20 January 2020, first I do not believe I ever saw this document at the time, I do not know what was meant by being 18 months behind and therefore I am unable to say whether it was accurate or not, and whether if in fact Northern Ireland was behind, whether this had any impact on strategic planning.
12. In any event, I have no recollection of being briefed on the possibility of a Covid-19 pandemic at the end of January 2020. My first recollection of being briefed was in February 2020 but I do not recall what steps were being taken to prepare for a global pandemic during this period. I do recall Robin Swann subsequently stating in March 2020 that Northern Ireland had been preparing for 7 weeks. I have no recollection of being made aware at that time of the significance of Covid-19 being a coronavirus rather than an influenza during this period, nor the significance of this for pandemic planning.
13. In early February I was not aware of the strategy with regard to implementing civil contingencies and I do not recall what steps were being taken to control or prevent Covid-19 spreading to Northern Ireland. As such I do not know whether the assessment of sector resilience preparedness, capacity and capabilities took place. My earliest recollections of being briefed on the pandemic were that it was inevitable that Covid would come to NI and that it was only a matter of time but I cannot pinpoint

precisely when this briefing took place and whether there was a point prior to this when spread to Northern Ireland was not considered inevitable. By 28th February 2020, on the announcement of the first positive case that the CMO stated *“We have been planning for the first positive case in Northern Ireland and have made clear that it was a case of when, not if”*.

14. Similarly, I do not recall being provided with advice from the WHO following the publication of its report on the international mission to Wuhan, or what measures were taken on foot any such advice.
15. During February 2020, my understanding is that the Executive was being briefed by the Health Minister about the position in respect of Covid generally under ‘Any Other Business’. The Executive Committee was not provided with any papers for decision during this period (and decisions cannot be taken by the Executive Committee except on foot of a paper) and therefore the Executive Committee had no formal role in developing a strategy for response to a possible pandemic. We understood that DoH were taking the necessary steps to prepare, and I believe that the focus was on work on how to contain infected persons.
16. The meeting of the Executive on 2 March 2020 was to my mind the first occasion when an indication was given as to how serious the pandemic could be. My sense is that this was the first occasion that the CMO attended an Executive meeting. The figures presented were stark and as such there was a sense of heightened seriousness and an emphasis on the need to plan for all eventualities, but the tone was not one of panic at this stage.
17. By 10 March 2020, the response was largely being led by DoH, and the Senior Civil Servants within the Civil Contingencies Group (“the CCG”). I do not believe that the Executive was being asked to take any substantive decisions at this stage but rather I suspect the deputy First Minister was making plain that there would need to be a collective response moving forward as the planning considerations were likely to touch on a wide range of Ministerial portfolios and the decisions to be taken would likely be significant and controversial.
18. I do not recall the First Minister’s comment about some *“trying to use politics to give advice”*, and do not know whether she was referring to Ministers or others outside the Executive. In any event, at this stage there was some political manoeuvring particularly on the issue of the timing of school closures, with, for example, the deputy First Minister making an announcement a few days after this that she considered

schools should close, despite having agreed the Northern Ireland position the day before and publicly announced that schools in Northern Ireland were not closing.

19. I cannot recall precisely what steps were taken by the Executive following the decision on 11 March 2020 that Northern Ireland should move from the Contain to the Delay phase. DoH were largely leading on the detail of what needed to occur.
20. While I am aware that on the same day the Republic of Ireland announced a package of measures, including school closures, and the cancellation of mass gatherings, Ministers did not impose any similar restrictions in Northern Ireland on the basis of the advice from the CMO, the Health Minister, and David Sterling which was that we needed to take care to implement measures "at the right time". I was not presented with any evidence to either support or challenge that advice, but I had no reason to doubt it at the time. It also followed in behind the approach taken by the Westminster government from whom scientific advice was being received.
21. Indeed, my impression is that the UK Government, via SAGE and its CMO and Chief Scientific Adviser ("CSA") was the main, if not only, source of advice at this time. To a point we were following UK Government's lead, but Northern Ireland was also at a different stage in the pandemic, with fewer case numbers and consequently no immediate need to question or divert from the wider UK approach. It is natural due to the greater resources of information, access to data on larger population numbers, and the use of SAGE that pulled together leading scientists in a range of fields, as well as the dependence in terms of funding, that Northern Ireland would follow UK Government advice and guidance.
22. On 12 March 2020, community test and trace was halted because of a lack of testing capacity. I am unaware whether at this point it would have still have been beneficial despite the increase in numbers but this is likely to be a matter on which DoH can comment.

16 March 2020

23. On 16 March 2020, the Health Minister, Robin Swann, was advocating that Northern Ireland should not move to impose more stringent restrictions too soon. I consider that he was very much following the advice of the CMO. At this stage, the dFM was pushing for an all-island approach but the Health Minister was of the view that the progress of the virus was different in Northern Ireland, and that moving too soon (or in line with Republic of Ireland that had introduced measures earlier) would result in a lack of

adherence. At that stage I did not disagree with the approach which was also backed by the Chief Medical Officer.

24. The Finance Minister said that “people were following their own science” at the 16 March 2020 Executive meeting but I don’t think that by this he meant individual Ministers were acting on advice being given to them personally. Rather, I think he was being facetious. Certainly, I did not have my own advice, believe that overwhelmingly Ministers were listening to and following the advice of the CMO, save for the issue outlined whereby the deputy First Minister went against that advice in calling for school closures.

25. When the Health Minister said that DoH had been preparing for 7 weeks, I was not (and still am not) sure of the exact nature and extent of those preparations. My recollection from the meeting of 16 March 2020 was that there was a significant degree of concern and uncertainty about what would happen next. With the benefit of hindsight, it seems that more could have been done to prepare, but I am not sure that we would ever have been prepared to the extent that we would have needed to be given the lack of recent experience of a pandemic in the Western world.

26. In or around this time, I am conscious that there was a perception among some in the public, which was echoed by the Justice Minister at the meeting, that Northern Ireland was “reacting” rather than leading the response. This perception was due in part to the fact that we had not made the decision to close schools when Republic of Ireland had done so and some parents had taken the decision themselves to pull children out of school. Particularly given the conflicting announcements about this, it may have appeared that the Executive was ‘dithering’. Some Ministers were very worried about appearing to be simply slow rather than following a deliberate strategy. However, while I am aware that Infrastructure Minister commented that the Executive was ‘mismanaging’ the response, this was not how it appeared to me. I felt that we were taking the right approach by following the information and advice available to us at the time.

27. I do not recall the reasons for the NICCMA not being activated prior to 16 March 2020, or the NI Hub not being ‘stood up’ prior to 18 March 2020. However, I understand that the CCG had been meeting from in or around mid-February, and that structure, comprised of Senior Civil Servants would have been best-placed to determine what was required in terms of structures at any point in time. I am therefore not sure whether having these arrangements in place earlier would have assisted the Executive, in the absence of a proper understanding of what was to come. With the benefit of hindsight

i.e. with what we know now about the importance of test and trace, for example, it is likely that if structures for dealing with a crisis had been put in place earlier, with specific resource devoted to it, this might have facilitated more effective and earlier measures to be taken.

28. In terms of the actions log dated 6 April 2020, which records that the first actions were generated by the civil contingency structures on 18 March 2020, I consider that these are likely to have been actions that had come about following the standing up of NICCMA and the NI Hub on 16 March 2020, and are therefore separate to the actions already taken by DoH and TEO. As such, I do not believe it is fair to say that these were the first actions taken in respect of the pandemic, nor to suggest that this means the response was not sufficiently speedy.

19 March 2020

29. I am not aware of any specific plans having put in place prior to 19 March 2020 as to how the Executive would function in the event of a pandemic. I do not know why consideration was not given to this previously.

30. While the Health Minister did outline “scary numbers” at the meeting of 19 March 2020, numbers had been discussed at the 2 March 2020 meeting, and therefore I believe Ministers were aware in broad terms of the potential scale of the pandemic, albeit by this time the tenor of the advice had changed. This coupled with the wider media coverage meant there was by this stage real concern about the possible impact. However, I am not sure what the DAERA Minister meant when he said at the meeting that we were ‘behind the curve’. He may have been talking about making preparations for mitigating the impact of restrictions on businesses and communities. I agree with the House of Commons Health and Social Care and Science and Technology Committee’s report of 12 October 2021 that there was a policy in the early stages to take a gradual and incremental approach. This was based on the scientific and medical advice at the time. In the Northern Ireland context, I am not in a position to determine whether a different approach would have significantly reduced the death toll. There are many variables to take into account, and would have to defer to the views of those who have analysed the data on this point.

Herd Immunity

31. I do not believe that herd immunity was ever considered a strategy by the Executive. I do have vague recollection of the words being mentioned, but never with a view to it

being considered a plan. I certainly do not believe that the First Minister, or any other Minister advocated for it to be adopted as a strategy.

The first lockdown in Northern Ireland

32. I believe that I became aware of the decision by the UK Government to lock down on 23 March 2020 at some point that day. I seem to remember that we were aware that a lockdown would be announced but we were not made aware of the details. There was also widespread media speculation about it.
33. To the best of my recollection, I agree with the statement made by Baroness Foster that the scientific advice to this point did not support a lockdown but I cannot recall precisely when the scientific advice changed. There had, however, been discussion of various possible measures to curb the spread of the virus but, for example, on 19 March 2020, at the last Executive Committee meeting prior to the lockdown being announced, there was no advice or recommendation to consider a lockdown at that time.
34. However, I did consider that by this stage a lockdown was inevitable due to the alarming figures that were being predicted, as well as, for example, the scenes we were seeing in Italy of hospitals being unable to cope. Looking back now, I find it difficult to speculate on what the likely outcomes would have been if different measures had been taken given the variables. For example, if a stringent test, trace and isolate policy had been capable of being rolled out, how long would that have needed to go on for? Would there ever have been sufficient capacity to deal with numbers? Would the public have tolerated it? What would have happened when further variants emerged and there was a comparative lack of naturally acquired immunity? In any event, Northern Ireland did not at this point consider developing its own response. Rather, the Executive had little option but to follow the UK and impose a lockdown. As such, I am not sure that the Executive gave any substantive consideration to the impact on communities at risk, including the vulnerable and the elderly at this point. However, the impact on vulnerable and minority groups was discussed extensively thereafter within the Executive Committee.
35. The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 enacted on 28 March 2020 were passed by the urgent decision mechanism and I did not have a direct role.

36. The urgency and circumstances at the time meant that use of the urgent decision mechanism was necessary. The feeling at the time was that lock down was necessary, the least worst option and would be time-limited, and there was no time to give detailed consideration to the impact on those with protected characteristics or groups which might suffer from disproportionate disadvantage.

37. In the weeks leading up to the lockdown, we were in a fast-moving situation and we had little sense in the early stages that we would end up in lockdown. We were not alone in this, with the UK, Ireland, and most other European countries each ending up with lockdowns. The amount of work to be done was significant, and the period from when significant country-wide measures were first realistically considered to imposition of a full lockdown was very short.

Amendment of regulations

38. I do not believe there was a strategy in place to amend restrictions in the very early period – it was all ad hoc. Proposals were brought by Ministers to try to deal with some of the unintended consequences of lockdown, or to remove restrictions that had little to no bearing on the spread but which had serious and harmful social or economic consequences. Reopening of graveyards was one of the first amendments. From recollection, the first review of the Regulations was carried out by the CMO and Health Minister. However, by the time of the Executive Committee meeting on 7 May when the paper E (20) 90 (C) Planning for Recovery: Second Review of Health Protection (Coronavirus, Restrictions)(Northern Ireland) Regulations 2020, the Executive did take the approach of judging proposals on their impact in terms of controlling transmission, protecting healthcare capacity, and whether they were necessary and proportionate, and lifting measures incrementally. We were also under a legal duty pursuant to Regulation 2(3) of the original Regulations to terminate regulations when they were no longer required.

39. I do not recall the review of the Executive's Covid-19 strategy on 4 June 2020 and am therefore unable to comment as to its sufficiency.

Civil Contingency Arrangements in the first part of the pandemic

40. The CCG's function was to coordinate the emergency response to the pandemic. I did not consider it to be a decision-making body, but rather was for information gathering and sharing, providing updates to and from each department and ensuring each department was aware of potential challenges that lay ahead. To that end, I believe

the CCG was effective and I was unaware of any issues with the sharing of situational awareness.

41. I was aware as a Minister of the role of the NI Hub in collating information but I am not in a position to comment on its effectiveness. I do not recall how the NI Hub was changed after the Lessons Learned Review nor any discussion around the standing down of the CCG and scaling down of the hub, but I imagine this took place as the intensity of the initial phase of the response subsided. I am not aware of how the work of the NI Hub took place thereafter.

42. I personally did not think at the time that Ministerial involvement was hampering the work of officials, but I agree that officials can talk more freely when Ministers are not there.

Overarching view

43. Due to the fast pace of events at the beginning of the first wave of the pandemic, it was very difficult to adopt a comprehensive and coherent strategy for response. Rather, the Executive did the best it could in the circumstances. This did mean that it was difficult for the public to know what to expect. Overall, I believe that the Executive's approach was very cautious, both in terms of locking down, and reopening. The approach was heavily reliant on the advice from the CMO and CSA.

44. I do not recall what analysis was undertaken by TEO or the Executive, and how learning was consolidated. I am aware of the Lessons Learned Review but do not recall how its recommendations were implemented. The DoH led on planning for future surges, and, for example, I recall a Public Health Agency awareness campaign in or around Summer 2020 stressing the importance of contact tracing.

Decision making after March 2020

45. Although I was not directly involved in planning for a second surge, I was aware that DOH was leading on this and that there were a number of initiatives ongoing, such as the PHA awareness campaign and emphasising the need for contact tracing. I am unaware of the exact timings of further preparations. In terms of the easing of restrictions, initially indicative dates were not published in case they had to change. We did not want to raise the hopes or engender expectations which then had to be dashed. Over time, this did change, likely as the case numbers began to level off and we felt more reassured that there would not be a surge in case numbers.

46. My view was that as much as Ministers may have wanted certainty, there was a realisation that the modelling and scientific data and advice was not, and could not be, definitive. It was therefore not realistic to suggest or imply that the science should be certain or definitive, but given the heavy reliance on the modelling, the Executive put massive store on the science advice. This had the effect of elevating it above the economic and social impacts, which were more difficult to measure than data relating to covid case numbers or covid-related deaths.
47. In August 2020, I consider that Ministers attributed the increased rates of Covid-19 to the relaxation of restrictions, coupled with complacency, and therefore a fall in compliance. By this stage, I think there was an overall reduction in the willingness of the public to comply with restrictions, and this was particularly acute among young people.
48. I am not sure that the increase in numbers at this stage can be said to demonstrate that restrictions were eased too quickly. The R number had fallen to between 0.5 and 0.7 in June, and the lockdown could not continue indefinitely. However, it may be that there was insufficient thought given to the detail of how to respond as and when numbers began to increase again and in that respect, by August we did not have the tools to quickly take control as numbers did start to rise. I am not aware why the civil contingencies structures were not reinstated at that point. In terms of the role of the NI Hub from October 2020, I am unaware of whether and in which ways it operated differently from the way it operated in the first wave.
49. Similarly, I do not recall the reasons for the First Minister calling for a reset of the Executive's approach to decision-making except that this may reflect the concern that not enough consideration was given in the first wave to the impact on vulnerable groups and a more structured decision-making process might go some way to ensuring that did not happen again.
50. I am not convinced that it is correct that modelling had significantly underestimated the development of the pandemic in October 2020. Rather, there was always concern that numbers would rise in the Autumn/Winter period, and therefore this was not unexpected.
51. I did consider the situation to be grave in early October. Indeed, on 6 October 2020, I said in the Assembly chamber:

“The number of positive cases is of serious concern to the Executive, and I know that it is also of concern to all parts of our society, including individuals, families and businesses. If the rate of increase is allowed to continue, it will, inevitably, lead to an increase in hospital admissions and deaths, and we must do everything that we can to minimise that risk.”

I was particularly concerned that there was a lack of adherence to rules in place at the time and complacency generally. The fear that had gripped people in the first wave had dissipated.

52. I am not sure what the DAERA Minister was implying with this observation, but my view at the time was that the problem lay with people socialising in domestic settings. Thus on 6 October in the Assembly Chamber, I commented, that *“44% of cases can be traced back to household settings”*. I cannot recall any fear about identifying particular locations by reference to transmission rates. Indeed, by this stage we had already imposed lockdown by postcodes to try to bring transmission rates down in areas where there were spikes in numbers.

53. As cases continued to rise, I therefore, reluctantly agreed with the decision to implement the ‘circuit breaker’ lockdown to try to bring the numbers under better control before the Winter period. I don’t recall the criticism from the DAERA Minister about assumptions rather than science being presented. I think there was some frustration during this period as it was difficult to get agreement to implement, ‘fine-tune’, or lift restrictions in the absence of clear modelling as to what might happen.

Executive meeting of 9 November 2020

54. When the restrictions were put in place it was made clear with the public that these were time bound. These were extensive restrictions, which we knew would have a serious impact on people and business. We didn’t take the decision to impose a circuit breaker lightly but did so on the basis that it would be time limited. Therefore extending the lockdown beyond two weeks was considered controversial because we were renegeing on the promise we made to people.

55. There were also concerns about the quality of the modelling at this stage. As stated above, without a clear idea of the impact that certain restrictions would have it was very difficult to justify imposing or continuing with them. There was therefore extensive discussion among Ministers about the impact that restrictions would actually have.

Moreover, in some cases where the modelling suggested a very limited impact, some Ministers still did not want to allow those businesses to continue. This is best illustrated by close contact services such as hairdressing - the estimated impact of allowing close contact services to reopen was an increase in the R number of 0.05 but there was still resistance from some Ministers to allowing these businesses to open.

56. Issues such as these brought the meeting to near breaking point. There was a failure to agree consensus and the tone of the meeting was probably the worst of any Executive meeting I have attended. The DUP Ministers were advocating for a more balanced approach, taking into consideration the impact on livelihoods of continued restrictions on business despite limited evidence of this being of benefit in terms of case numbers, as well as the impact on mental health and other members of society who were particularly vulnerable. However, other Ministers were solely focused on maintaining restrictions in the hope that this would reduce case numbers and did not seem aware of, or as concerned about, the other consequences this would have. This divergence of views led to significant tension, and agreement was very difficult.
57. Enabling people to spend Christmas together was a significant factor in or around mid-November. We didn't want to have heavy restrictions on business, particularly for retail, in the lead up to Christmas which is the busiest time of the year. We also wanted to ensure that people could spend time with their families after what had been a very difficult year.
58. I do not consider that there was a need for a specific recommendation from Health at this point in mid- November. The Executive provided for every Minister to be involved in decision-making. The Executive is required to exercise its discretion and agree a way forward rather than simply following whatever DoH put forward without question, or consideration of competing considerations. However, the sense was that Sinn Fein did want to be in the position of having to make a decision and instead wanted political cover from DoH.
59. I do not remember thinking we had made the wrong decision in October about restrictions. At that time we were imposing restrictions on businesses and environments that were already well-regulated and that had provision in place to facilitate social distancing. However, a huge factor in the increase in numbers was individual behaviour and in particular, social mixing in domestic settings where there was no regulation. The CSA advised around this time that 44% of cases were due to spread within household settings. This was without doubt the most difficult time for Executive decision-making. There were strong views being expressed and no

agreement on the right approach and unfortunately this spilled into the public domain, which likely served to undermine confidence in the Executive during this period. It is hard to say though whether any decisions or part of the strategic response could have achieved a better outcome – a much harder lockdown would have had an unknown health impact and an unknown social and economic impact. The CSA thought that the R number would reduce further and stay down longer with the rules that were put in place which demonstrates the difficulty in predicting outcomes. For example, as Robin Swann reported to the ad hoc committee on 21 December 2020, mobility data showed that the ‘stay at home’ guidance was not adhered to sufficiently.

60. The approach over the Christmas period was taken largely to ‘protect Christmas’ and give families the opportunity to have as ‘normal’ a Christmas as possible given the restrictions that had divided families throughout the year. While the situation was serious, it is likely that if the Executive had changed the guidance and tried to prevent families meeting for Christmas at that late stage, it would have been futile and broken the trust of the public. The decision to reduce bubbling to one date only between 23rd and 27th December was agreed on the basis of advice from the CMO and the CSA, who from recollection were more concerned about prolonged indoor mixing than the “relatively small risk” from those travelling from the rest of the UK into Northern Ireland. At the time we took the best decisions we could while trying to balance competing considerations. It is very difficult to speculate as to what would have happened if a different approach had been taken.

61. I cannot recall the issue outlined by Holly Clark of NIO regarding Northern Ireland taking its own course regarding restrictions and publishing its own statement on 21 December to this effect. I can only suppose that Sinn Fein may have blocked the idea of a UK-wide statement. It is possible that the lack of consistency may have caused some confusion but I do not recall this being raised as a significant issue at the time.

62. I believe that the joint statement between the PM/FM/FMs didn’t issue because Sinn Fein did not want to sign up to anything on a UK-wide basis.

63. In terms of travel restrictions, I believe that as much was done as could have been to curb spread as a result of international travel, and travel from Great Britain to Northern Ireland. In my view there would have been a relatively limited impact on case numbers as a result of travel restrictions.

64. As Baroness Foster explained to the Assembly in oral questions in February 2021:

The Executive's [COVID-19](#) task force ([ECT](#)) has been established as a necessary step change in the Executive's response to the evolving nature of the pandemic. The ECT is led by the interim head of the [Civil Service](#) (HOCS), who has convened a strategic oversight board that meets regularly. The task force will report monthly to the Executive. The Department provides a project management function for the task force, including practical coordination, support and alignment of the overall response to the pandemic across key operational Departments. Local government, the [PSNI](#) and other public-sector agencies are also involved in key work streams and projects.

The ECT brings together four main work streams led by senior officials in the relevant Departments. Our officials lead a number of initiatives in support, including a weekly meeting of all Departments, local government and the PSNI to look at the common challenges and solutions. Our officials contribute to a number of the work areas under each work stream. For example, we have officials supporting adherence to self-isolation and how it can be improved, face coverings and the preparation of an overall pathway out of the current restrictions. The Executive information service also plays a key role in the strategic communications for the task force. Most recently, our officials have been leading on the overall response to the risks posed by international travel.”

65. However, generally, I don't recall much discussion around why the ECT was set up at this time or whether it reflected changes at a UK Government level, nor do I recall any hesitation or reluctance from any Minister or department regarding its establishment, role or strategy. I also cannot comment on its effectiveness.

2021 and beyond

66. As we moved into 2021, there continued to be frequent discussion at the Executive, about the impact upon vulnerable groups or those disproportionately affected by restrictions.

67. In terms of the approach proposed in *'Moving forward: The Executive's pathway out of restrictions'* [Exhibit GL/1 INQ000104467], I thought it was too cautious, and that the ongoing restrictions would have a continued impact on disadvantaged or otherwise vulnerable groups in society. I wanted the pathway to provide more certainty but ultimately it was accepted in order to reach consensus within the Executive.
68. I believe that the Justice Minister's comments about the pathway "being shot in the knees" was directed at the First Minister's comments about how she would have liked a quicker exit from restrictions.
69. In particular, it was apparent that during this period, concerns about the impact on the economy were increasing, leading the Economy Minister requesting that her concern be recorded about the length and complexity of the Executive's review process was threatening the continued existence of businesses already impacted by the ongoing restrictions [Exhibit GL/2 INQ000048522], and the DAERA Minister, Edwin Poots, following his return to office complaining about the "glacial pace of easing". Regrettably, some Ministers did not appear to grasp the seriousness of the economic position which led to significant tensions between Ministers.
70. As we moved into the Summer of 2021, the Executive published its 'Building Forward – Consolidated Covid Recovery Plan' [Exhibit GL/3 INQ000101002]. I assume that the Executive was responsible for overall implementation, but this was a cross-departmental plan and therefore individual departments would have each had responsibility for specific aspects as well as working collaboratively with other departments. I do not recall how each intervention's implementation was monitored and assessed.

Overarching and thematic issues

Retirement of David Sterling

71. David Sterling retired at the end of August 2020, and Jenny Pyper assumed her role as interim HOCS in December 2020. I do not believe the retirement had an impact upon the response to the pandemic by the Executive and I don't think the gap between his departure and Ms Pyper taking up post had any material impact. There were attempts to fill the role with a full recruitment process taking place which ended with no one being appointed.

Scientific and medical advice to Ministers

72. In or around mid March 2020, the concept of “following the science” was the principal approach of the Executive in the sense that we would be principally guided by the scientific and medical advice around the trajectory of the virus, the number of cases, figures for Covid-related deaths, and the R number, as well as, significantly, the projected ability of the health service to cope. At this stage I do not think that this approach made the Executive “reactive” but it was perhaps inevitable given the overall lack of certainty at this early stage, and the desire to take heed of the advice of the CMO and CSA. This did mean that in or around this time, there was no overarching strategic approach as we were very much getting up to speed and unclear about how the pandemic would develop.
73. While I am now aware that there were issues raised with data, and in particular the daily death figures, I have very little recollection of these issues at the time.
74. I do recall that data was generally presented to the Executive by the CMO and CSA via briefings, and information was collated into SitReps. The Executive were thus provided with data on case numbers, projections as to the trajectory of the virus, and the Covid dashboard. The information presented will be within Executive documents from the time. Information and advice from SAGE would have been provided to the Executive by the CMO and CSO. I do not recall discussions at the time regarding the information coming from SAGE being too ‘England-centric’.
75. The data around the R number was extremely important, and in my view probably the single most important tool, used by Ministers when considering current state of the spread of the virus. The current R number along with the projected change in that number heavily influenced the decision making of Ministers, as it was considered to be a predictor of cases and hospital admissions. It was always presented with the usual caveats i.e. it was on a scale (R in the region of 0.7-0.9 etc) or it was an estimate but nevertheless much of the discussion about the steps to take to respond to the virus centres on the impact any measure would have on either increasing or decreased the R number. I don’t remember much discussion about the publication of two R numbers causing any issues. There may not have been a clear understanding across the board as how the R number was calculated, but most Ministers would have understood it was obtained from a series of data. I don’t recall the reason why the use of the R number was suspended in July 2020.
76. I was not part of the processes relating to the Strategic Intelligence Group being established and I am not aware how its work was fed through to Ministers, or recorded. Indeed, overall I do not have much recollection of this body’s role.

77. Modelling has a significant impact on the approach of the Executive to the pandemic. Decision-making was heavily influenced by the modelling presented by the CMO and CSA. However, I cannot recall the detail of issues raised as to the reliability and availability of data to inform modelling, and how this affected the resultant projections.
78. Behavioural science and management were also discussed regularly at the Executive, and relied on in decision-making, with arguments put forward as to how any particular measure would be complied with, or the likely impact on behaviour on lifting any restriction being used as a reason by some Ministers for caution in lifting restrictions. However, I am not sure to what extent there was formal advice from behavioural scientists being sought, received and taken into account.
79. There was an issue regarding the late arrival of briefing papers prior to Executive meetings. This had an impact on the ability of some Ministers to consider the papers fully in advance of a meeting. Indeed, on occasions the Executive meeting had to be delayed so that Ministers had time to read the information.
80. Overall, however, I consider that the scientific/expert advice was received in a sufficiently timely, detailed and reliable way to allow for full consideration in the decision-making process, and that Northern Ireland had good access to the medical and scientific data and expertise, particularly as a result of the close relationship of the CMO with SAGE. I cannot speak for other Ministers, but I did not struggle with understanding the information in the way it was presented. However, I also recognised that the scientific and expert advice needed to be weighed against wider socioeconomic impacts when making decisions.

Relationship with the United Kingdom

81. In the first wave of the pandemic, Northern Ireland benefitted from being behind the rest of the UK, and in particular London, in terms of cases. This meant that the virus was in lower numbers when the lockdown was announced and consequently Northern Ireland had more 'breathing space' for decision-making, and overall better outcomes than some other areas of the UK.
82. There were some issues with communication with and from the UK Government. I believe that the mechanisms for communication such as Northern Ireland attending COBR was appropriate and very useful, but the difficulties arose when the UK Government did not involve the devolved administrations in decision-making, but instead used the communication for a to inform the devolved administration of what was going to happen. This meant there was little to no scope for discussion or challenge to decisions, and without achieving 'buy-in' from the devolved administrations, there was little sense of cohesiveness between the UK Government and the devolved administrations. This changed as the pandemic went on and each devolved administration was better able to make its own decisions.
83. This lack of cohesiveness is exemplified by the fact that it was not uncommon for the devolved administrations to be informed about announcements by UK Government without there having been any meaningful consultation with the devolved administrations beforehand. Political considerations perhaps played a part with, perhaps, concern that devolved administrations, led by different political parties (some of whom are in direct opposition to one another such as the SNP and the Conservative party) and with wider political agendas, might seek to undermine the UK Government by making announcements of their own prior to the UK Government's announcement. This likely led to a level of distrust.
84. Quad meetings were useful for discussion of pressing issues. For example, I remember in particular being provided with updates from the Foreign and Commonwealth Office on repatriation, and for being provided with information by UK Government on other UK-wide issues such as border force quarantine. However, the meetings I attended tended to be more for information sharing by UK Government, and rather than for facilitating involvement of Northern Ireland or the other devolved administrations in decision-making.
85. Indeed, in general, I believe the United Kingdom Government did not adequately involve Northern Ireland Ministers or senior Civil Servants in decision-making that

impacted Northern Ireland. Rather, I believe there was a general feeling that keeping us informed was an after-thought.

86. In terms of whether the actions of the United Kingdom Government therefore hindered the Executive's ability to make decisions, I do not agree with Ms Michelle O'Neill on this. Ultimately, it is up to the Executive to reach consensus – decisions taken in Whitehall often did have consequences for Northern Ireland but it was the responsibility of the Executive to reach decisions. Indeed, there were many occasions when the actions of the UK Government facilitated reaching consensus, particularly in relation to the generous level of financial support without which it would have been very difficult to adequately support people to adhere to restrictions.

87. I had limited interaction during the period with the Secretary of State for Northern Ireland and the NIO. However, I was present at numerous meetings with the Minister for Intergovernmental relations, Michael Gove. While this was useful from an information sharing point of view, I can't say that these interactions always led to a coordinated response.

88. However, I do not believe there was any reason why UK Government should not have trusted Northern Ireland as information was always freely provided by us.

89. I believe the NSMC arrangements were not suitable for handling the response to the pandemic. The NSMC was not a significant body for decision-making or North-South collaboration during the pandemic. Instead calls between health ministers or FM/dFM were more likely to be an effective way of ensuring cooperation as they permitted discussion in 'real time'. The NSMC meetings are only convened periodically, and are usually high-level in nature.

Relationship with Republic of Ireland

90. I do not agree with the criticism from Independent SAGE in May 2020 that the response of the Northern Ireland Executive to the pandemic was not sufficiently aligned with the Republic of Ireland as I do not believe that the two jurisdictions should have been aligned. In the first wave, Sinn Fein frequently advocated for alignment with the Republic of Ireland but I believe we needed a Northern Ireland approach that met our own needs, and in the context that most of our scientific advice and data was coming from the UK, and crucially, Northern Ireland was dependent on the central UK Government for funding. My view was that this stance was advanced by Sinn Fein for

political reasons rather than epidemiological reasons, and how harmonisation could be achieved was never articulated i.e. was it envisaged that Northern Ireland would adopt Republic of Ireland policies or would the two jurisdictions have been required to work together to formulate an island-wide policy? This would have in practice meant a 5-party coalition in Northern Ireland having to come to agreement with a 3-party coalition in the Republic of Ireland. I am sure this would have been impossible for the Executive and I doubt there would have been any appetite on behalf of the Republic of Ireland Government to involve Northern Ireland in its decision-making in any substantive way.

91. While I am aware that the island of Ireland is a single epidemiological unit for the purposes of animal health and welfare, I do not believe this was a sound basis for suggesting a similar approach could or should be taken in respect of humans. , People are able to move freely across the border from Northern Ireland to the Republic, and from Great Britain to Northern Ireland– something that would be very difficult given the political and historical context to restrict. I do not believe you can credibly compare the movement of people and animals which tend to be tagged and their movement tracked. Essentially, it would be politically very difficult to adopt a fulsome single epidemiological unit approach in Ireland in much the same way that, within Great Britain, also an island for such purposes, there are varying political and practical considerations to be brought to bear.

92. I was not involved in the formulation in the Memorandum of Understanding, which I understand was led by DoH and I am not aware of the extent to which it had an impact in the management of the response, or met its aims. I also do not know if a review of the MoU ever took place.

93. The structures already in place for North-South cooperation such as the NSMC were not effective for facilitating cooperation on a day to day basis. I consider that direct engagement with Ministerial counterparts, FMdFM level or between CMOs is a more achievable means of ensuring information sharing and co-ordination where that is desirable.

94. I do not recall whether the Northern Ireland government commissioned any research aimed at understanding the impact of Covid-19 along the border, but there was consideration as to the possible impacts at the border when decisions were being taken by the Executive. There was not alignment with the Republic of Ireland, for the reasons given above at 90, but in my view there was a good level of cooperation. However, I do not believe there was ever active discouragement of analyses of health

outcomes, but it may have been difficult at times to make direct comparisons due to the differences in data captured.

95. There were concerns from some that we had very little or no advance notice of decisions from the Irish government, and the impact that those decisions would have. I personally did not feel that created pressure for the Executive. My view was that the Executive was not bound to respond to decisions taken by the Republic of Ireland and should instead chart its own course. This was particularly so as the lack of timely information sharing may have been influenced by the fact that Sinn Fein is an all-Ireland party and therefore anything that was communicated to Northern Ireland may have been fed back to Sinn Fein's leadership in the South.
96. Aside from these issues, on the DUP side, there was no political objection to North/South cooperation and indeed we did cooperate on issues such as the vaccine roll-out, and in March 2021, First Minister Arlene Foster publicly called for more cooperation between the NI Executive and the Irish Government as she was concerned at the slower pace of the roll-out in Republic of Ireland. I do not recall any work done beyond that to explore whether greater harmonisation or co-operation may have led to different outcomes and I haven't seen anything conclusive to suggest that better outcomes might have been achieved. Similarly, in terms of alignment in the UK, while a similar approach was adopted particularly during the first wave, as time went on there was increasingly different approaches taken across the four nations, with the Executive reacting and making its own decisions on the basis of what was best for the Northern Ireland people.

Legislation and regulations: their proportionality and enforcement

97. Criminal sanctions were considered necessary to enforce the regulations as it was felt that this would encourage, and where required, ensure compliance. I do not recall whether the Executive expressly considered other means of enforcement, but this might be apparent from TEO documents.
98. I do not know whether there was a delay in setting up the working group on compliance and enforcement but I consider that the lack of compliance and enforcement because a greater issue as time went on and that there was a recognition in or around September 2020 that enforcement was critical in a way that it hadn't been before i.e. whereas in the first lockdown people were very keen to comply and compliance was good, as compliance waned, greater enforcement would be required.

99. Early in the pandemic, my view was that, rather than the Regulations not being supported by criminal sanctions, there was in fact an overzealous approach taken by PSNI. Comments were made to me by Jim Allister and the late Christopher Stafford in the Assembly chamber that certainly seemed to suggest this. However, the Bobby Storey funeral had an effect that is hard to overstate. The PSNI adopted a very lax approach to the funeral and effectively colluded to permit prominent members of Sinn Fein, including the deputy First Minister, to break the rules in place at the time. This undermined public confidence in PSNI to enforce the rules with criminal sanctions.

Scrutiny by the Assembly

100. I recognise that the manner in which the regulations came before the Assembly was very difficult for MLAs. Regulations were often in force before MLAs had had the chance to scrutinise them. The Health Committee had a greater role, and was able to provide a scrutiny function earlier in the process, but the lack of proper Assembly scrutiny did cause a significant degree of consternation among MLAs and it became a media issue.

101. I cannot comment on the ability of TEO to answer Assembly written questions as this was a matter for the FM and dFM but there were no issues with either DAERA or DfE coping with the number of questions during my tenure as Minister of either of these departments.

102. The Ad Hoc Committee was useful as it permitted Assembly members to question Ministers more fully and get answers to questions, especially around Covid regulations, which they might not otherwise have had.

Funding the response to the pandemic

103. In relation to the start of the pandemic, in particular, I agree with Baroness Foster's statement to the Ad Hoc Committee on 7 April 2020 about there being no difficulty with funding the Executive response. There was some debate as time went on about the continued availability of funding for restrictions, and around the timing of the end of the furlough scheme, for example, and the impact it would have.

104. I cannot recall to what extent the Executive actively considered the introduction of any NPIs before the UK Government in March 2020, aside from the discussion around e.g. school closures, as set out above at paragraph 18. However, it is likely that there was a recognition at that point that Northern Ireland did not have the financial firepower to take decisions with far-reaching consequences. Later on, for example in

December 2020, when further restrictions were being considered, I cannot recall the financial position and to what extent Northern Ireland was assured of the level of funding that would be available.

Controlling Northern Ireland's borders

105. In the first wave of the pandemic, I do not believe there were any international flights operating into or out of Northern Ireland. Thereafter, because immigration was an excepted matter, while Northern Ireland could not control people arriving into Northern Ireland, we were able to impose restrictions such as pre-departure testing, quarantine, the requirement to complete passenger locator forms, or require testing on arrival. In terms of consultation (or lack thereof) by UK Government on issues of border control, I cannot recall the detail of the issues that arose and therefore cannot comment more fully. However, I did not have any concerns with the adoption of the red/amber/green methodology. The decisions around how countries should be classified were taken on advice. I have no real concerns about the way in which movement was controlled into Northern Ireland in response to the pandemic overall but, in or around February or March 2020 I do believe there was an opportunity missed in terms of controlling the travellers entering, or requiring testing of passengers to prevent the virus taking hold in Northern Ireland. At that stage, and indeed throughout the response to the pandemic there was scope for greater coordination and a more coordinated approach within the UK as well as with the Republic of Ireland.

Care homes

106. From recollection, the situation in respect of care homes was discussed frequently in the Executive, and was closely monitored, as demonstrated by Executive minutes. Moreover, as the impact on care homes became better understood, additional measures were put in place to support care homes.

107. I cannot recall the extent to which there were concerns amongst the Executive/Ministers regarding access to PPE for care home staff and would need to view contemporaneous documents to refresh my memory.¹

Inequalities

108. In terms of the CMO's statement to Module 1 of the Inquiry wherein he suggests that Ministers initially felt less well informed about the wider societal and economic consequences of NPIs, while I cannot speak to all Ministers, this does not accord with my recollection. Rather, I very much felt that the interventions would have a huge

economic and societal impact, and this very quickly became apparent to anyone who initially did not share this view.

109. I do not recall section 75 of the Northern Ireland Act 1998 being expressly discussed albeit ordinarily each submission to the Minister will have a section dealing with section 75 impacts.

110. In terms of other assessments of the impacts of NPIs on specific groups of people within society in Northern Ireland, without seeing some of the papers with recommendations from CMO and CSA it is difficult to be definitive. However, Executive Ministers certainly raised concerns about the potential impact of measures, for example, the impact of school closures on young people, and the impact of church closures for people of faith.

111. Northern Ireland is likely to have fared well in terms of identifying and supporting groups and individuals facing particular hardship as a result of restrictions. This is because there is a high level of community infrastructure, significant numbers of representative organisations and lobby groups, and comparatively easy access to decision-makers than some more populous countries.

Public health communications, behavioural management and maintaining public confidence

112. The Executive, and TEO in particular, had significant control over public health messaging. This was achieved through media campaigns and daily press conferences. Communication strategy was also frequently discussed at Executive meetings, however, I can not recall how the effectiveness of public health messaging was gauged.

113. There was a level of disinformation but I don't believe that this any greater or less of an issue in Northern Ireland than it was anywhere else.

114. I do think there was a particular issue in engaging young people. This became particularly evident over the Summer of 2020 when there was a general decline in compliance, and a specific concern about compliance among young people, which led, for example, to concern about the impact of university students returning in September. In terms of engagement with the Northern Ireland Children's Commissioner and the suggestion that specific conferences be held for young people, my recollection was that the First and deputy First Ministers *had* agreed to holding such conferences so I do not know why they did not take place.

115. There was an issue, particularly in the first wave, whereby UK-wide news and media would have often published the English position, and the restrictions currently in place. Those restrictions did not apply in Northern Ireland but were interpreted by members of the public as the UK position. This improved as time went on due to concerted efforts within Northern Ireland to ensure that the public understood the locally applicable restrictions. I do not think there was the same confusion surrounding public health messaging in the Republic of Ireland as laws passed in Republic of Ireland are not generally applicable in Northern Ireland, and therefore the potential for confusion was much less.

116. I received abusive Facebook and Twitter messages, abusive calls to my constituency office, and emails arising from the response.

117. In relation to public health messaging, I consider that the initial advertising campaigns were effective, and the daily Executive press conferences helped to get the Northern Ireland-specific messages across. However, the biggest threat to messaging, and the incident that most undermined public confidence in messaging was the breaching of the rules by Sinn Fein politicians by their attendance at the funeral of Bobby Storey, see further below at paragraph 126.

Executive Committee decision-making

118. Mandatory coalition in Northern Ireland requires consensus between Executive Ministers. This often made for a difficult decision-making process due to the wide range of views to be taken into account. While it did not prevent decision-making, it may have slowed it down at certain points, most notably the 9 November 2020 Executive meeting. I believe that for the most part my Ministerial colleagues and I were able to set aside our differences and act in the best interests of the Northern Ireland public. Indeed, the formation of the Executive in the first place against the political and historical backdrop prevailing in Northern Ireland is a testament to that. In the context of the response to Covid-19, where it felt that the health and wellbeing of society was under threat, I believe most Ministers acted in what they thought was the best interests of the people of Northern Ireland. Positions adopted by Ministers tended to be informed by the approach of the party, and Ministers voted with party colleagues. There were agreed lines on certain issues but for the most part each DUP Minister was free to put forward his or her own view.

119. Cross community voting is controversial, but in my view necessary at times. There is a mandatory coalition in Northern Ireland. Any Cabinet or Executive requires

a degree of collective ministerial responsibility, therefore if you don't agree with a policy in a cabinet – you have the option to resign. In Northern Ireland, resigning has the potential to cause the coalition to collapse. Therefore, it is essential that we have broad cross-community support for policies and that there wasn't a significant minority that was opposed to policies that might otherwise come about with only majority support. The nature of this mechanism meant that the votes of some (Alliance in particular) were diluted. The use of the cross-community vote was seen as inappropriate by other parties who want to get a measure through with a simple majority vote. I therefore believe that the cross-community voting mechanism should remain, and the decision-making process for the Executive should be the same for all decisions, regardless of whether there is, for example, an emergency/crisis scenario such as the Covid-19 pandemic. There is a duty on the First Minister and deputy First Minister to seek to ensure that decisions are reached by consensus and the possibility of a cross-community vote encourages parties to find compromise.

120. The concept of collective responsibility was tested throughout the pandemic. At certain times there was a high level of cohesion, at other times, less so.
121. Insofar as Ms O'Neill's statement in March 2020 that DoH saw the Executive as a thorn in their side, this was not my perception at the time, and I do not recall tensions between DoH and the broader Executive Committee. Having said that there were differences between the DoH Minister and other Ministers from time to time, but with few exceptions, DoH had considerable support from Executive colleagues. This included the TEO Junior Ministers stepping up to take the DoH Minister's place to take Covid regulations through the Chamber. By and large I believe the CMO and CSA had widespread support and I don't recall any concerns as to the extent of the responsibilities held by the CMO or the CSA, save for concern about the burden placed on them and the enormity of their workload.
122. There was a balance to be struck between DoH and DfE regarding the reopening of the economy that led to difficulty formulating a collective response. This reflected the need to properly balance the impacts on health and the economy and therefore was to some extent inevitable.
123. Indeed, there were consistent areas of tension more widely within the Executive largely arising in respect of making decisions as to the relaxation and imposition of restrictions.

124. While there were issues around the leaking of Executive papers, I do not believe that this changed the decision-making processes of the Executive. It did, however, create a level of frustration and even sometimes anger within the Executive, but I do not believe it had an impact on relationships with the NI Civil Service. In terms of public confidence, such leaks contributed to the disdain that some will have held politicians in, but overall I doubt that it had a significant impact in terms of public confidence in the Executive. There was no policy (informal or otherwise) of leaking proposed policies to test public reaction.
125. I believe the Executive was the only appropriate structure for decision-making. There were many decisions to be made that were controversial, significant and cross-cutting, and therefore could, by law, only be made by the Executive. In addition, Executive decision-making ensured a level of cross-community 'buy-in' which ensured a level of confidence across the various sections of Northern Ireland community.
126. The initial differences between the First Minister and deputy First Minister regarding the closure of schools; the statements by Ministers criticising other Ministers; statements contradicting collective messaging and public disagreements, are likely to have impacted public confidence to a degree, but, on the other hand, it is important for the public to know and understand that their views are being represented by their elected representatives. In particular, I think it was appropriate for Ministers to talk about their aspirations and the direction that they wanted to see the Executive take. In my view direct and personal criticism of other Ministers was unhelpful and more likely to negatively impact public confidence.
127. However, by far the event that had the most severe impact on public confidence was the rule breaking by Sinn Fein Ministers at the Bobby Storey funeral. This was the clearest example of the breaching of rules and standards in Northern Ireland throughout the whole of the pandemic, and was hugely damaging to the credibility of the Executive. It caused significant public anger and hurt, particularly as many people who had lost loved ones had complied with stringent restrictions in respect of funerals which adversely impacted their ability to properly pay their respects and grieve. This was compounded by the deputy First Minister accusing those who took issue with the behaviour as doing so for political purposes, and refusing to apologise saying "*I will never apologise for attending the funeral of my friend*". This comment was incendiary, it further eroded public confidence, and the scandal led to an end of the joint FM/dFM press conferences. This issue also led to serious concerns over the PSNI's handling of the matter, and eroded any sense among the public that rules would be properly

enforced. It was a defining moment for the Executive, which up to this point and during the first wave of the pandemic had been able to pull together to respond to the threat posed. However, it was very difficult to overcome the gross hypocrisy of Sinn Fein and the deputy First Minister in attending the funeral. I personally was contacted by a number of constituents who were deeply hurt by what had taken place, and I outlined the anger felt by many, and highlighted the example of the family of Thomas McFarlane who had died during the period of restrictions and who did not get the funeral her deserved, which was in stark contrast of the huge republican funeral held for Bobby Storey, to the Assembly on 6 July 2020.

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

128. I was issued with a NICS phone and Ipad during my tenure as Junior Minister in TEO. In DAERA, I was issued with an Ipad, but cannot recall if I was also given a phone. In DfE I was issued with both a phone and an Ipad.
129. I did not use messaging platforms in my professional capacity i.e. to make decisions. Any decisions taken were recorded formally in the NICS system. On my NICS-issued devices I did not use messaging platforms but may have occasionally sent imessages or SMS messages. On my personal phone I used Whatsapp and SMS/imessage. I did not use Slack or Signal.
130. I did not conduct government business on my personal phone. All decisions and meetings were formally recorded by officials as required.
131. I cannot think of any particular Executive decisions that were discussed among colleagues on the devices, but I do recall being part of group chats with other DUP Executive Ministers in which we would have occasionally discussed issues arising in Executive meetings. This was a useful way to communicate when Executive meetings were held online.
132. I did not take steps to formally retain and record communications on my mobile devices. This was not required under the rules as all formal Ministerial business was recorded by NICS, emails retained and meetings minuted. Informal messaging platforms were not used as an alternative to formal or minuted meetings.
133. I do not believe I deleted messages from my NICS phones, but I would have deleted emails from my Ipad/laptop. This was due to storage but should not have been an issue as all emails sent to me or from me would have been stored in the NICS

system. I did delete messages from my phone from time to time, either because of storage issues, or because I no longer needed the messages or groups. From memory, I believe I was part of various groups at different times including a group or groups with the other DUP Executive Ministers; a group between the DUP Ministers and Special Advisers within TEO i.e. Arlene Foster, Emma Little-Pengelly, Dr Philip Weir and myself. I also would have been in groups set up temporarily by civil servants to discuss a particular meeting or issue.

134. All my NICS devices were handing back to the respective departments on my departure. While no longer in use, I still have my personal device from the period.

135. I do not believe I deleted any messages before handing the devices back as I understood that the NICS policy was that all phones would be factory reset.

136. I understand the the reference to “chat” is the Zoom chat function. It was normally used to indicate to FM/dFM that a Minister wished to speak on an issue. Sometimes Ministers would made a short point, or provide some clarity or information using this function.

137. I did not keep any personal diary, notebook, daybooks or planners.

Lessons Learned

138. I consider that there was good engagement with key sectors throughout the pandemic which ensured they were kept informed of what was happening as well as being able to contribute and inform Ministers as to what was being experienced ‘on the ground’. This aided the decision-making process. I also believe the daily Covid press conferences and overall communication of public messaging was good although this was hampered by Executive disagreements becoming public, and as a result of the egregious rule breaches during the Bobby Storey funeral.

139. I also consider that lessons should be learned in terms of legislative scrutiny. The Assembly was kept informed but the legislative timetable meant that proper scrutiny of regulations was less than ideal. While this was unavoidable at the very start of the first wave, ensuring that proper process was followed should have been given greater priority once that very early period was over.

140. I also believe that proper consideration was not given to the full economic and social impacts of the pandemic. The restrictions that were put in place had far reaching consequences that are unquantifiable and that continue to impact upon people today.

Children's education, the mental and physical health of our people and the economic impact are just some examples of this. All too often, the immediate health impacts, though incredibly important, were given a higher priority than the longer term health impacts, and the short and longer term economic and social impacts. I feel this was largely driven by the fact that the CMO and CSA were focused on the health impacts from Covid-19, and we were not being provided with similarly impartial expert advice on the economic and societal impact side of the equation. I believe an economic adviser would certainly have helped. Ministers strove to make decisions grounded in evidence but while a lot of time was spent debating and considering the likely impacts of certain interventions, there was little solid data presented to us about these, and therefore the adverse impact of restrictions were often more abstract and difficult to pin down than the stark evidence of Covid case or death figures. Better forward planning and scoping out of possible scenarios long before a pandemic hits our shores would also greatly assist in ensuring that measures taken in future are effective but also do as little harm as possible.

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:

23/2/24