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**From:** Baker, Derek [/O=NIGOV/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C433001B082C457FA80DD2F0935F6DC5-DEREK BAKER 030076]  
**Sent:** 17/10/2020 10:56:20  
**To:** McCormick, Andrew (TEO) [andrew.mccormick@executiveoffice-ni.gov.uk]; Pearson, Karen [karen.pearson@executiveoffice-ni.gov.uk]  
**Subject:** RE: restrictions regulations

For information. Another live and urgent issue today for Education Minister is whether childcare settings operating in school premises should remain open. This is not the subject of regulations and is an unforeseen consequence of the school closure decision, similar to children's flu vaccination programme scheduled for next week. Minister's initial position was they should close. JR proceedings initiated yesterday. Judge this morning has asked us to reflect. Currently under consideration again. Will be political decision for DUP. Officials suggesting to Minister we allow them to remain open to support key workers, sustainability of childcare sector and maintain consistency with other childcare settings not located on school premises which are still open. But such a decision would involve certain loss of face. We await a decision.

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**From:** McCormick, Andrew (TEO) <[Andrew.McCormick@executiveoffice-ni.gov.uk](mailto:Andrew.McCormick@executiveoffice-ni.gov.uk)>  
**Date:** Saturday, 17 Oct 2020, 10:30 am  
**To:** Pearson, Karen <[Karen.Pearson@executiveoffice-ni.gov.uk](mailto:Karen.Pearson@executiveoffice-ni.gov.uk)>, Baker, Derek <[Derek.Baker@education-ni.gov.uk](mailto:Derek.Baker@education-ni.gov.uk)>  
**Subject:** RE: restrictions regulations

Many thanks Karen

Happy to discuss with you and Derek anytime if that could help at all.

I touched on the spectator issue in a conversation with Deirdre yesterday, asking why it hadn't come to the Executive yesterday morning. It appears that because FM and dFM hadn't agreed it, it couldn't be put to the wider group!! On that, I would ask why the DfC Minister couldn't have raised it.

Looking back, a better collective discussion on Thursday on the list of outstanding issues might have helped - but DH and DoF didn't show and neither Derek nor I had scope to recall the Perm Secs or their deputies later in the day.

But I go back to the point that the 9.30 Executive meeting should have had a summing up point "anything else we need to resolve?" And then not finished without a final answer.

As above happy to talk.

Many thanks

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**From:** Pearson, Karen <[Karen.Pearson@executiveoffice-ni.gov.uk](mailto:Karen.Pearson@executiveoffice-ni.gov.uk)>

**Date:** Saturday, 17 Oct 2020, 10:17 am

**To:** McCormick, Andrew (TEO) <[Andrew.McCormick@executiveoffice-ni.gov.uk](mailto:Andrew.McCormick@executiveoffice-ni.gov.uk)>, Baker, Derek <[Derek.Baker@education-ni.gov.uk](mailto:Derek.Baker@education-ni.gov.uk)>

**Subject:** restrictions regulations

This is to give you a sense of where we were yesterday afternoon. I can provide a more precise timeline if needed.

Policy continued to develop during the day. FM and dFM had asked to see the regs before being made. With DSO I provided spads with a walk through of the regs as they stood at 15.45. The meeting ran until 17.15 approx. Mainly technical but:

There were two significant areas of policy which were not agreed during the meeting:

- Spectators at elite sport. FM had said in the Assembly that this would be allowed. dFM wanted to prohibit. This went to the wire and I would describe the situation as default rather than completely agreed. Basically, the regs as made allow this and this has been confirmed by DSO. This was broadly resolved between SPADs at 5.58, (when the regs were to take effect at 6.00).
- The scope of indoor activities to be closed. This was resolved between SPADs at 5.58. Basically, FM's side would have preferred to keep open with social distancing. dFM's side wanted closed. The decision was eventually to close. I would note that if that had not been done we would have ended up in a situation where Derry and Strabane would have seen some easements in restrictions.

There were other minor changes.

Final amends were then needed to the regs.

Ministers had requested to see the regs before being made. The version for approval went in at 18.39.

dFM cleared at 18.58. FM approved at 19.44. FM had asked for confirmation from DSO that spectators would be allowed. DSO provided two emails to this effect.

The regs were then in the usual templating and validating process. That hit a technical glitch which did not help. Regs were made around 10.30.

The material on NI Direct has required amendment to keep in line with the changes.

During the meeting with SPADs, Chris McNabb and I emphasized the need for clarity and to meet the undertaking of regs being made by 6pm.

We will no doubt be asked to explain why this did not happen.

Both private offices have asked me why issues were not resolved in advance. I am happy to discuss this with you both next week and would welcome the opportunity.

During the course of this, the DfC Minister wrote to NIFL at around 5pm. I have not seen and wasn't aware at the time. She had written to Exec colleagues earlier in the afternoon about the need for spectators to be prohibited. Doh replied to say CMO and CSA consistent advice was that spectators should not be allowed for the next 4 weeks. As above, this was the main point of political discussions.

The situation then developed whereby spectators arrived at Coleraine football club for last night's match. The club did not immediately let them in. They were admitted eventually. I spoke with a DfC official during this. My understanding is that the letter to NIFL from the DfC Minister advised against spectators and NIFL took the decision to not admit on that basis. I have not seen the correspondence or NIFL deliberations and can't stand over the chain of events at this point.

This was the subject of much media attention last night.

We start the day in the wrong place. I asked health last night for a copy of the regulations which did not arrive with me until this morning. These have now been circulated to depts. We have put in place a method for today to resolve issues. This will be a noon and four pm resolution so that we can gather together as many queries as possible. I have asked POs to do this in a structured way.

Since the regs were approved by FM and dFM, I have had one request from one SPAD to make a change. This came to me personally and I have been clear in response that if this is a formal request it needs to be properly channeled to me in an email.

FM's side are asking this morning for more assurance on spectators which I will respond to as per what the regs say.

Happy to discuss

Karen