



## The Centre for Cross Border Studies

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### ***Submission to the House of Lords Select Committee on Public Services inquiry, “Public services: Lessons from Coronavirus”***

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This response has been prepared by the Centre for Cross Border Studies as a contribution to the House of Lords Select Committee on Public Services inquiry, “Public services: Lessons from Coronavirus.”<sup>1</sup>

#### **About The Centre for Cross Border Studies**

The Centre for Cross Border Studies, based in Armagh, Northern Ireland, has a strong reputation as an authoritative advocate for cross-border cooperation and as a valued source of research, information and support for collaboration across borders on the island of Ireland, Europe and beyond.

The Centre empowers citizens and builds capacity and capability for cooperation across sectors and jurisdictional boundaries on the island of Ireland and further afield. This mission is achieved through research, expertise, partnership and experience in a wide range of cross-border practices and concerns (for more details visit [www.crossborder.ie](http://www.crossborder.ie)).

The response that follows, therefore, is informed by the Centre’s particular knowledge of and experience in the development and promotion of cross-border initiatives that bring benefits to communities in both jurisdictions on the island of Ireland. It also draws on ongoing analysis of the impacts on cross-border mobility of public health and other measures brought in by the Northern Ireland devolved administration and the Irish Government in response to the COVID-19 pandemic, but in this instance with a greater focus on the Northern Ireland context.<sup>2</sup> Specifically, this response will address two sets of questions posed by the inquiry:

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<sup>1</sup> This response was authored by Dr Anthony Soares, Director of the Centre for Cross Border Studies.

<sup>2</sup> An initial insight from this ongoing research being undertaken by the Centre for Cross Border Studies and Maastricht University along with a number of partners from the Transfrontier Euro-Institut Network (TEIN) can be found in Martin Unfried and Anthony Soares, [“Approaches to the COVID-19 Pandemic: Bordering on \(non-\) cooperation”](#) (April 2020).

- How effectively were public services coordinated across the borders of the devolved administrations? Did people living close to the border experience difficulties in accessing services?
- What lessons might be learnt about the role of charities, volunteers and the community sector from the crisis? Can you provide examples of public services collaborating in new ways with the voluntary sector during lockdown? How could the sectors be better integrated into local systems going forward?

### Cross-border coordination of public services and citizens' access to services

1. The geographical reality of the island of Ireland appears to translate in many minds as being naturally conducive to Northern Ireland's devolved administration adopting a common and collaborative approach with the Irish Government in facing a public health crisis of the nature of COVID-19. It was, in fact, the approach suggested by government ministers (including the Irish Taoiseach and Northern Ireland's First Minister and deputy First Minister) at their meeting in Armagh on 14 March, according to a statement released by Northern Ireland's Executive Office. It notes: "It was agreed that everything possible will be done in coordination and cooperation between the Irish Government and the Northern Ireland Executive and with the active involvement of the health administrations in both jurisdictions to tackle the outbreak".<sup>3</sup>

2. That the Northern Ireland devolved administration should ensure effective cross-border coordination of public services could also be seen as an ongoing imperative arising from the framework provided by Strand Two of the Belfast/Good Friday Agreement. Indeed, with health as one of the six areas of cooperation for which the North South Ministerial Council (NSMC) has responsibility—the institution created by the 1998 Agreement that brings together the two governments on the island of Ireland to "develop consultation, co-operation and action within the island of Ireland"<sup>4</sup>—it could be argued that the devolved administration in Northern Ireland could profit from a well-established institutional architecture for cooperation that the other devolved administrations in the UK could not necessarily rely on when looking to coordinate their own cross-border responses to COVID-19.

3. However, while a plenary meeting of the NSMC has not yet taken place following the restoration of a functioning Northern Ireland Executive in January 2020,<sup>5</sup> the signing of a Memorandum of Understanding (MoU) between the two administrations on the island of Ireland could be seen as indicative of a joint willingness to support cross-border coordination

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<sup>3</sup> The Executive Office, "Meeting of Irish Government and Northern Ireland Executive Ministers concerning North South cooperation to deal with Covid-19" (14 March 2020), <https://www.executiveoffice-ni.gov.uk/news/meeting-irish-government-and-northern-ireland-executive-ministers-concerning-north-south-cooperation> [last accessed 26/04/2020].

<sup>4</sup> North South Ministerial Council, <https://www.northsouthministerialcouncil.org/north-south-ministerial-council> [last accessed 26/04/2020].

<sup>5</sup> It should be noted that the delay in the formation of an Irish Government following the February elections also impacted on the ability of the NSMC to meet.

of public services delivery. Published on 7 April, the MoU is presented as an outworking of the meeting of ministers from both governments in Armagh on 14 March, and as an expression of “their mutual willingness to promote cooperation and collaboration in response to the COVID-19 pandemic”.<sup>6</sup> It sets out how cooperation will focus on seven key areas: modelling of the spread of COVID-19; the development of public health and non-pharmaceutical measures in response to the pandemic; common public messages; working together on relevant programmes of behavioural change; research; collaboration on ethical frameworks; and supporting cooperation in areas such as procurement.

4. Crucially, in terms of the development of public health responses and the effectiveness of cross-border coordination of public services delivery, the MoU also states that: “Consideration will be given to the potential impact of measures adopted in one jurisdiction on the other recognising that the introduction of such measures may differ reflecting differences in COVID-19 transmission at different stages of the public health response”. While this has been suggested as evidence that the island of Ireland has come to be seen as being made up of two epidemiological units,<sup>7</sup> missing out on the opportunity to fully exploit the potential for cross-border cooperation, it nevertheless also points to the value of assessing what the impact will be on the other jurisdiction as public health measures are introduced on one side of the border, and that those impacts are communicated to citizens. Failure to communicate such impacts will undermine effective cross-border coordination of public service delivery and citizens’ ability to access services in a timely manner.

5. The introduction of lockdown measures at different times or in different ways in the two jurisdictions on the island of Ireland has inevitably impacted on the lives of citizens living and working in the Northern Ireland-Ireland border region, as well as wider cross-border mobility, as can be illustrated in the cases of the closure of educational settings and regulations on the wearing of face coverings.

6. In the academic year 2017-18 it is estimated that there were 112 children resident in Northern Ireland attending primary schools in the Republic of Ireland, and 85 attending post-primary schools; in the same year there were 106 children resident in the Republic of Ireland attending primary schools in Northern Ireland, and 256 attending post-primary schools.<sup>8</sup> However, while the Irish Government announced the closure of all schools, pre-schools and

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<sup>6</sup> Department of Health, Ireland, and Department of Health, Northern Ireland, “Memorandum of Understanding. COVID-19 Response – Public Health Co-operation on an All-Ireland Basis Between: The Department of Health, Ireland (and its Agencies); and the Department of Health, Northern Ireland (and its Agencies)” (7 April 2020), <https://www.health-ni.gov.uk/sites/default/files/publications/health/MOU-NI-RoI-Covid-19.pdf> [last accessed 27/04/2020].

<sup>7</sup> Michael Tomlinson, “Coronavirus: Ireland is one island with two very different death rates”, *The Irish Times* (22 April), <https://www.irishtimes.com/opinion/coronavirus-ireland-is-one-island-with-two-very-different-death-rates-1.4234353> [last accessed 26/04/2020].

<sup>8</sup> See <https://thedetail.tv/data/cross-border-pupils>.

further and higher education settings on the 12<sup>th</sup> of March due to the pandemic,<sup>9</sup> it was only on the 18<sup>th</sup> of March that the Northern Ireland Executive announced that all schools in Northern Ireland would close from the 23<sup>rd</sup> of March.<sup>10</sup> These differences in the timing of the closure of schools in the two jurisdictions not only fed into perceptions that a divided Northern Ireland administration was mistakenly following the approach taken by the Government in Westminster instead of adopting an all-island approach,<sup>11</sup> they would also be felt by those who were cross-border workers or cross-border employers.

7. While cross-border bus and rail services had been reduced from the 20<sup>th</sup> of March as a means of containing the spread of Covid-19,<sup>12</sup> passengers from Northern Ireland travelling to the Republic of Ireland also had to adjust to the fact that the Irish Government made the wearing of face coverings mandatory on public transport, including on cross-border services, from the 29<sup>th</sup> of June.<sup>13</sup> The introduction of the equivalent measure would not be announced by the Northern Ireland administration until the 2<sup>nd</sup> of July, to come into force on the 10<sup>th</sup> of July.<sup>14</sup> In this instance the difference in the implementation of similar measures does not signify the denial of access to a service; instead, it highlights the need for citizens to be properly informed of such differences, and any requirements placed on citizens in order for them to access a cross-border service. In turn, and crucially, this means the authorities on both sides of a border acknowledging citizens crossing the border and needing information in order to do so safely.

8. In a context where cross-border coordination in the implementation of public health and other measures is not adopted, authorities must assume and plan for the consequences of adopting a “back-to-back” approach, and how this may impact on the demand for services. This can be illustrated using the example of the initial introduction of travel restrictions imposed by the Irish Government and the Northern Ireland Executive. The Republic of Ireland’s measures to reduce the spread of COVID-19 included emergency legislation limiting

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<sup>9</sup> Department of Education and Skills, “Covid-19 – Statement from the Department of Education and Skills” (12 March 2020), <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/12-march-2020-statement-from-the-department-of-education-and-skills.html> [last accessed 03/07/2020].

<sup>10</sup> The Executive Office, “Full statements from First Minister Arlene Foster and deputy First Minister Michelle O’Neill on Covid-19 response” (18 March 2020), <https://www.executiveoffice-ni.gov.uk/news/full-statements-first-minister-arlene-foster-and-deputy-first-minister-michelle-oneill-covid-19> [last accessed 03/07/2020].

<sup>11</sup> These divisions were particularly evident in the reactions of the deputy First Minister, Michelle O’Neill MLA. See, for example, BBC News NI, “Coronavirus: Michelle O’Neill says schools should be closed” (13 March 2020), <https://www.bbc.co.uk/news/av/uk-northern-ireland-51870697/coronavirus-michelle-o-neill-says-schools-should-be-closed> [last accessed 06/07/2020].

<sup>12</sup> Department for Infrastructure, “Minister announces reduction in public transport services as response to COVID-19 outbreak” (20 March 2020), <https://www.infrastructure-ni.gov.uk/news/minister-announces-reduction-public-transport-services-response-covid-19-outbreak> [last accessed 03/07/2020].

<sup>13</sup> See, for example, Iarnród Éireann/Irish Rail, “Face Coverings” (26 June 2020), which states: “In line with Government guidance, wearing a face covering is mandatory on public transport from Monday 29<sup>th</sup> June” [last accessed 03/07/2020].

<sup>14</sup> Department for Infrastructure, “Mallon announces face coverings to be mandatory on public transport from July 10” (2 July 2020), <https://www.infrastructure-ni.gov.uk/news/mallon-announces-face-coverings-be-mandatory-public-transport-july-10> [last accessed 03/07/2020].

people to travel within 2kms of their homes for the purpose of exercise or the purchase of essential supplies. Similar measures were introduced in Northern Ireland, but without the inclusion of a specific distance. The measures are not enforceable on an all-island basis, meaning that intensive efforts to encourage people to refrain from unnecessary travel within the Republic of Ireland could not prevent people from Northern Ireland insistent on travelling for leisure purposes into the jurisdiction, placing the potential for increased pressure on public services at a local level, and leading to headlines such as “Donegal locals ‘angry and frustrated’ that Northern Ireland day trippers are not covered by laws”.<sup>15</sup>

9. The ultimate success of public health measures aimed at combatting the spread of COVID-19 will rely on the willingness of citizens to voluntarily abide by them rather than on enforcement. Although we have witnessed attempts by Irish police to discourage citizens from crossing the border into the Republic of Ireland at traditionally intensive periods for cross-border leisure transit, such as the Easter holiday period,<sup>16</sup> these cannot be seen as border closures. As the imposition of border closures would be politically divisive given the context on the island of Ireland, other means have to be found to prevent the spread of COVID-19, which implies the introduction of a more sustained all-island or cross-border approach. The institutions and channels of existing cross-border cooperation already exist to do this, but these need to be more visibly and forcefully brought into play.

#### Collaboration with the third sector in the response to Coronavirus

10. When, on the 8<sup>th</sup> of April, the Northern Ireland Executive Minister responsible for the Department for Communities announced £1.5m funding to assist councils in the provision of Covid-19 support measures,<sup>17</sup> she not only noted how this money would allow local authorities to “help connect those living alone or in rural and border areas that are likely to experience greater challenges in accessing services”, she also recognised the importance of the involvement of the community and voluntary sector in these efforts. Minister Hargey noted how all in Northern Ireland would “rely on this selfless commitment of many volunteers as our local councils continue to work with the sector to ensure that helps gets to where it is most needed”.<sup>18</sup>

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<sup>15</sup> *thejournal.ie* (27 April 2020), <https://www.thejournal.ie/donegal-covid-19-5084585-Apr2020/> [last accessed 27/04/2020].

<sup>16</sup> See, for example, Suzanne McGonagle, “Coronavirus border lockdown”, *The Irish News* (9 April 2020), <http://www.irishnews.com/coronavirus/2020/04/08/news/border-lockdown-1896245/> [last accessed 27/04/2020].

<sup>17</sup> It should be noted that, according to the Northern Ireland Local Government Association (NILGA), by May 2020 the 11 local authorities were collectively making losses per calendar month “of just under £11 million”; NILGA, “NILGA President crisis action update for full council meetings” (May 2020), <https://www.nilga.org/media/2001/nilga-saving-our-councils-sustaining-our-community-040520.pdf> [last accessed 06/07/2020].

<sup>18</sup> Department for Communities, “Hargey provides £1.5m to councils to help in COVID-19 support measures” (8 April 2020), <https://www.communities-ni.gov.uk/news/hargey-provides-ps15m-councils-help-covid-19-support-measures> [last accessed 06/07/2020].

11. On the 9<sup>th</sup> of April, registering her “sincere thanks to our range of voluntary and community sector partners who continue to deliver important services to local communities”, Minister Hargey announced the establishment of the Voluntary and Community Sector Emergencies Leadership Group. With input from local government and other relevant stakeholders, this Group has the task of “providing collective leadership across government and grass roots community organisations to develop and implement urgent measures for protecting and supporting communities in need”.<sup>19</sup> The establishment of such a Group can be seen as a positive recognition of the crucial role of the community and voluntary sector in the delivery of services to local communities, which predated the outbreak of Covid-19, and has only become more important following the pandemic’s spread to the island of Ireland. It also recognises the need to involve the sector in the devolved administration’s efforts to coordinate responses to the pandemic, although underlying challenges faced by the sector due to lack of sustained funding have only been exacerbated by the crisis as revenues have been severely impacted and staffing levels have been reduced.<sup>20</sup> Current recognition of the importance of the community and voluntary sector and the provision of some additional and targeted funding by government will become meaningless if the issue of chronic underfunding and the coming budgetary pressures are not addressed.

12. Despite significant challenges arising from funding pressures and the direct impacts of lockdown measures, community and voluntary sector organisations have generally risen to the challenge of delivering services to their beneficiaries during this pandemic. This has often involved quickly refocusing efforts and finding new ways to deliver services safely and effectively, informed by detailed knowledge of local communities and working collaboratively with other organisations and public bodies.

13. The ability to quickly redirect efforts to respond to Covid-19 and to draw on existing collaborative working can also be seen in the cross-border dimension. Significant instances have been facilitated by the Special EU Programmes Body (SEUPB),<sup>21</sup> which has allowed cross-border EU-funded projects to adapt to the needs arising from the pandemic, illustrated in particular by the cross-border healthcare Cooperation and Working Together (CAWT) partnership. All four of CAWT’s current INTERREG VA-funded projects were able to refocus their efforts on Covid-19, with the €5.2m Community Health Sync (CoH-Sync) project, “which aims to help synchronise the efforts of the community, voluntary and statutory health sectors

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<sup>19</sup> Department for Communities, “Statement to Assembly Covid-19 Ad Hoc Committee: Minister for Communities, Deirdre Hargey MLA” (9 April 2020), <https://www.communities-ni.gov.uk/news/statement-assembly-covid-19-ad-hoc-committee-minister-communities-deirdre-hargey-mla> [last accessed 06/07/2020].

<sup>20</sup> On the 9<sup>th</sup> of June a support fund of £15.5 million to assist charitable organisation in financial difficulty was announced. See Department for Communities, “£15.5m fund to support charity sector during COVID-19 crisis to open on Monday” (9 June 2020), <https://www.communities-ni.gov.uk/news/ps155m-fund-support-charity-sector-during-covid-19-crisis-open-monday> [06/07/2020].

<sup>21</sup> The SEUPB is one of the six implementation bodies established under Strand Two of the 1998 Belfast/Good Friday Agreement. Its principal responsibility is as Managing Authority for various EU funding programmes, particularly the implementation of the EU’s PEACE IV and INTERREG VA programmes.

by creating locally based health and well-being community hubs”, for example, developing “COVID-related information for the six border county community hubs”.<sup>22</sup>

14. While examples such as these will involve finding new ways to work collaboratively and to deliver services, including through the use of digital technologies, they do not necessarily represent new collaborations. In fact, one of the crucial lessons that must be learnt from the current Coronavirus crisis is that existing collaborations need to be recognised and properly resourced. This is particularly the case in regards to cross-border collaborative networks and partnerships, which on the island of Ireland often involve cooperation between government departments, public services and the community and voluntary sectors in both jurisdictions. Moreover, the existence of many of these cross-border partnerships, which in many cases have been called on to address the pandemic, is due to EU funding.

15. Indeed, pre-existing channels of cross-border cooperation are alluded to in the Memorandum of Understanding between the health authorities of the two jurisdictions on the island of Ireland, which notes how “Cooperation on the public health-driven response to COVID-19 will build on existing and long-established cooperation on the island of Ireland between the Participants and the health services including across cancer, ambulance and congenital heart services, and the strong pre-existing cooperation between the offices of the Chief Medical Officers in both jurisdictions”.<sup>23</sup> The MoU also refers to the Institute of Public Health and its role in conducting research on strengthening the COVID-19 response, thereby drawing on the experience and knowledge of an organisation with an established record of working collaboratively on a cross-border and cross-sectoral basis, which includes collaborating with the community and voluntary sector.<sup>24</sup> This again points to the need to recognise the existence and value of cross-border partnerships, and to celebrate them and ensure their sustainability going forward so that they may be called upon again when governments are faced with challenges that do not recognise borders.

16. Finally, the current pandemic has highlighted the pre-existing and urgent need for governments and policy-makers to institute the practice of assessing the impact of proposed policies, regulations, strategies or laws, on their jurisdiction’s borders, and to assess how their implementation has affected or may affect the socio-economic conditions of citizens in a border region and cross-border mobility. At a fundamental level, this means recognising that citizens, especially in border regions, are not static entities, but have the ability to move across borders for a variety of purposes. Without such recognition and the undertaking of cross-border impact assessments (“border-proofing”), the ability to integrate sectors into

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<sup>22</sup> SEUPB, “Cross-Border Healthcare Partnership Connects Communities and Services During COVID-19”, *Your EU!* (Summer 2020), p.13, <https://seupb.eu/sites/default/files/styles/INTERREGVA/Your%20EU.pdf> [last accessed 07/07/2020].

<sup>23</sup> See also Department of Health, “Department of Health Collated Briefing Provided for PfG Talks” (3 July 2020), pp.2-7, <https://www.gov.ie/en/publication/7b927-programme-for-government-documents/#the-department-of-health> [last accessed 07/07/2020].

<sup>24</sup> For more on the Institute of Public Health, see <https://2019.iph.ie/about>.

local systems with a cross-border dimension will be greatly diminished, reducing the effective cross-border delivery of public services.<sup>25</sup>

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<sup>25</sup> On the need for “border-proofing”, see Centre for Cross Border Studies, “The need for regulatory cross-border territorial impact assessment: Challenges at the Ireland-Northern Ireland border” (December 2019), <https://crossborder.ie/site2015/wp-content/uploads/2020/01/CCBS-Briefing-Paper-The-need-for-regulatory-cross-border-territorial-impact-assessment.pdf>.