

**A REPORT ON DECISIONS TAKEN DURING DECEMBER 2022 BY  
NORTHERN IRELAND DEPARTMENTS IN ACCORDANCE WITH THE  
GUIDANCE ISSUED BY THE SECRETARY OF STATE FOR  
NORTHERN IRELAND UNDER THE PROVISIONS OF THE  
NORTHERN IRELAND (EXECUTIVE FORMATION ETC) ACT 2022**

On 19 December 2022 the Secretary of State for Northern Ireland, in accordance with section 3(4) of the Northern Ireland (Executive Formation etc) Act 2022, published guidance about the exercise of departmental functions by senior officers of Northern Ireland departments during the absence of Ministers. This guidance requires Northern Ireland departments to prepare a monthly summary report of decisions taken by senior officials using the guidance and to share this with the Secretary of State, who will in turn make it available to Parliament and to MLAs.

**Decisions taken by Northern Ireland Departments: December 2022**

This summary report has been prepared by The Executive Office and provides information on the decisions taken by Northern Ireland departments from 6 December 2022, when the Northern Ireland (Executive Formation etc) Act 2022 received Royal Assent, to the 31 December 2022.

<b>Department</b>	<b>Decision</b>
<b>Department of Agriculture, Environment and Rural Affairs</b>	A decision was taken to provide agreement to DEFRA to commence the recruitment competition to appoint two new board members to the Agriculture and Horticulture Development Board.
	A decision was taken to publish the 2021-22 Rural Needs Annual Monitoring Report.
	A decision was taken to discharge the function of responding to DEFRA's consultation with DAERA on fishing quotas for 2023.

## Summary of Decisions Taken December 2022

A decision was taken to approve internal 2022-23 budget allocations.

### **Department for Communities**

A decision was taken to enable Newry, Mourne and Down District Council to dispose of the following properties by way of a lease, to reduce Council expenditure associated with maintenance and allow for the provision of services to the local community:

- St. Anne's Park, Mayobridge
- Lands at Glen Hill

A decision was taken to make the Housing Renovation Etc Grants (Grant Limit) (Amendment) Order 2022. This is in line with the previous Minister's commitments and ensures continuation of the provision of services to disabled persons.

A decision was taken to allocate Rate Support Grant 2022-23 to eligible councils. This is a statutory requirement and in line with the previous Minister's commitments, and ensures the maintenance of sustainable and efficient public services.

A decision was taken to allocate additional short term funding to support the charitable food sector. This is in line with the previous Minister's commitments to providing a practical response to the cost of living crisis and tackling disadvantage.

A decision was taken to make the following Statutory Rules to ensure parity is maintained across the United Kingdom in line with section 87 of the Northern Ireland Act 1998:

- Housing Benefit and Universal Credit Housing Costs (Executive Determination) (Modification) Regulations (Northern Ireland) 2023
- Universal Credit (Administrative Earnings Threshold) (Amendment) Regulations (Northern Ireland) 2023

A decision was taken to release redacted historical internment records for one individual to comply with statutory obligations and in continuation of the approach of the previous Minister.

A decision was taken to activate a Scheme of Emergency Financial Assistance to support households who had suffered from flooding. This is consistent with the commitments of previous Executives and Ministers and ensures the maintenance of sustainable and efficient public services.

### **Department of Finance**

A decision was taken on 7 December 2022 to determine Public Sector Pay Policy for 2022/23 to allow for pay awards to be progressed and effective management of the budgetary

## Summary of Decisions Taken December 2022

implications by Departments. It was in line with the budgetary decisions previously taken by the Secretary of State for Northern Ireland for 2022/23, in that it requires Departments to ensure that awards are affordable in the context of each Department's 2022/23 Budget settlement. Public sector employees are central to the delivery of essential services for citizens and they, and their employers, should have a clear understanding of the framework within which their pay will be handled and progressed. Failure to make this decision at this time could have exposed the public sector to even greater budgetary pressures next year, a delay in complying with legal entitlements, and exposed citizens to deteriorating public services.

A decision was taken to make a formal NICS pay offer. The annual pay award for the NICS was due on 1 August 2022. Formal negotiation could not begin until a budget was set. Following the Secretary of State for Northern Ireland's Written Ministerial Statement of 24 November, the Department of Finance issued Public Sector Pay Guidance stating that the overarching approach is that awards must be affordable in the context of each Department's Budget settlement for this year. This allowed a decision to be made on the 2022 NICS pay offer to recognised Civil Service unions. This offer is now a matter of public record. The pay offer has been issued to unions and is under consideration.

A decision was taken to make a temporary revision to the Department of Infrastructure's Productivity Unit (PU) Scheme for road workers, until the end of March 2023. The original scheme had been re-introduced following Covid. Industrial Trade Unions lodged a dispute about the re-introduction of the PU scheme and were likely to ballot on industrial action which could affect winter service alongside normal work, with implications for public safety. The approved temporary scheme reduces the likelihood of industrial action in respect of this registered dispute alone. Discussions with unions about associated issues will continue alongside this temporary revision.

A decision was taken to approve an option in a business case developed by the Department of Infrastructure (DfI) which provides for negotiations with unions on an issue relating to DfI out-of-hours emergency response. The decision will allow both DfI and Department of Finance to negotiate with unions on a suitable solution to help ensure that staff continue to make themselves available on the out-of-hours rota and maintain public safety.

**Department of  
Education**

A decision was taken to approve Development Proposal (DP) 574 with a modification to the implementation date, i.e., 'Craigavon Senior High School will operate on a single site, 26-34 Lurgan Road, Portadown, with effect from 1 September 2023, or as soon as possible thereafter'. The Education Authority is working with the school and Board of Governors to implement the decision which will be accomplished over a number of phases, putting in place accommodation and transport requirements. This decision was taken in the best educational interests of children and young people attending the school."

**Department for  
Economy**

A decision was taken to launch a public consultation on the Draft Offshore Renewable Energy Action Plan (OREAP) to deliver on the *Energy Strategy for Northern Ireland* vision and targets. This is not a new major policy decision, rather a decision on the delivery of a previously agreed policy under the Energy Strategy.

There is no direct budgetary impact. However, the OREAP is a crucial step in achieving NI's renewable electricity consumption target and in decarbonising the power sector. Imperative action on decarbonisation has been widely agreed across nations, government and sectors. Any delay would risk Northern Ireland's contribution to combatting the global climate crisis. The OREAP will also see the creation of new, skilled jobs. There is already an international skills shortage, any further delay would be detrimental to Northern Ireland's chances of developing a skilled workforce, able to deliver on the Energy Strategy's offshore wind ambitions.

A decision was taken in relation to the Further Education (FE) Colleges' annual budget allocation following confirmation of 2022/23 final budget allocations and departmental consideration of the colleges' 2022/23 budget requirements and development plans to:

- ensure value for money;
- most effectively utilise the available budget most within the DfE FE division and FE Sector; and
- maintain the current delivery of FE as a frontline public service.

There is a risk of detriment to a public service in the form of the provision of FE if the budget allocations are not approved, also a potential opportunity cost related to not realising a significant public advantage for the NI economy and tackling disadvantage.

A decision was taken, following Executive approval in February 2021, reaffirming approval for the Outline Business

## Summary of Decisions Taken December 2022

Case (OBC) for the Derry-Londonderry on the North Atlantic Project (DNA) up to a value of £5.31m to proceed to Full Business Case.

All costs will be met by Derry City and Strabane District Council and other funders, letters of commitment have been received confirming contribution and underwriting any revenue costs and capital overruns.

DNA has been identified as a high priority project by the Derry City and Strabane District Council City Deal partners, given its potential to deliver substantial outcome and contribute to the wider aim of sustainably growing the Northern Ireland tourism industry and contributing to a more regionally balanced economy. Progressing the business case is also important to maintain partner and funders' confidence.

The proposed opening of DNA is initially planned for the Summer of 2025, with a project timeframe of 35 months, subject to the timing of DoF Supply approval is granted.

A decision was taken to provide consent to amend Schedule 2 to the UK Internal Market Act 2020. Under section 18 (8) of the Act, the Secretary of State is required to seek the consent of the Scottish and Welsh Ministers and the Department for the Economy in Northern Ireland.

Initial work and Ministerial consultation on this were undertaken during August 2022, however, changes were delayed as a result of uncertainty at UKG level.

Consent was provided for some of the changes proposed by UKG, but not all of them. Further, some changes to the wording of the regulations were provided in order to improve clarity and the definition of the scope of the regulations.

Services regulation cuts across a number of Departmental responsibilities. Officials engaged with relevant colleagues in the affected Departments (DfI and DoH) and Ministerial correspondence was exchanged.

### **Department of Health**

A decision was taken to appoint a non-Executive lay member to the Board of the Northern Ireland Guardian Ad Litem Agency and to create a reserve list.

A decision was taken to extend mileage rates for staff employed within HSC under the Agenda for Change (AFC) terms and conditions until the end of this financial year i.e. 31 March 2023.

## Summary of Decisions Taken December 2022

A decision was taken to close the Special Recognition Payment Scheme in respect of the Independent Sector Providers with effect from 31 December 2022.

A decision was taken to approve updated guidance on the management of care homes in a COVID-19 outbreak including the ending of the requirement for Whole Care Home testing following a review by the Public Health Agency. Effective from 21 December 2022.

A decision was taken to approve the Business Case to appoint external consultants (Royal College of Pathologists) via Direct Award Contract (DAC) by the Southern Health Social Care Trust to deliver a review of Cervical Cytology Screening Performance.

A decision was taken to proceed with a competition to appoint a Non-Executive Chair to the Patient and Client Council (PCC).

A decision was taken to approve the appointment of external consultants by Business Services Organisation to review progress of the Encompass Programme.

A decision was taken to change the arrangements for the discharge of patients from acute hospital settings to Nursing Homes and Residential Care Homes to allow an assessment to be undertaken by a suitably qualified or suitably trained person. This position is to be reviewed in six months time i.e. June 2023.

A decision was taken to approve reprioritisation of Care across the Quality Outcomes Framework (QOF) and Enhanced services for the remainder of 2022/23 financial year.

### **Department for Infrastructure**

A decision was taken to extend the onward free travel scheme for Ukrainian refugees for six months to 30 June 2023. The travel scheme provides free onward travel for Ukrainian refugees on Translink bus and rail services, including cross-border services, from their port of arrival in Ireland to their final destination in NI.

### **Department of Justice**

A decision was taken to agree to the publication of a report on the Operation of Bail and Remand in Northern Ireland produced by Criminal Justice Inspectorate of Northern Ireland. The recommendations within the report relate to the operation of bail which is an essential part of the criminal justice system and ultimately impacts on the remand population within prison establishments.

## Summary of Decisions Taken December 2022

A decision was made to release a prisoner on compassionate grounds as he was nearing death and required a level of intensive care that could not be delivered in a prison environment.