

**A REPORT ON DECISIONS TAKEN DURING JANUARY 2023 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: January 2023

This summary report has been prepared by the Executive Office and provides information on the decisions taken by Northern Ireland departments during January 2023.

Department	Decision
Department of Agriculture, Environment and Rural Affairs	A decision was taken to enable an appointment process to be launched in order to fill vacancies on the Advisory Committee on Releases to the Environment (ACRE).
	A decision was taken to launch a public appointments competition to appoint members to the public board of Livestock and Meat Commission (LMC).
	A decision was taken to launch a public appointments competition to appoint a Chair to the Livestock and Meat Commission (LMC).
	A decision was taken to launch a public appointments' competition to appoint a Chair and Board Members to the Northern Ireland Fishery Harbour Authority (NIFHA).

Summary of decisions taken January 2023

A decision was taken to approve Northway Mushrooms Ltd's 2023-25 Operational Programme under the legacy EU Fruit and Vegetable Aid Scheme, which allows for financial assistance to be provided to Northway.

A decision was taken to proceed to the construction of a temporary product inspection facility at Belfast Harbour, to ensure that the Department is complying with its statutory obligations.

Department for Communities

A decision was taken to approve pay remits to comply with relevant statutory and non-statutory guidance and legislative requirements, for:

- Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC)
- Libraries Northern Ireland Senior Management Team
- Ulster Supported Employment (USEL).

A decision was taken to launch a public consultation on the Department for Communities (DfC) Equality Action Plan.

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:

- The Guaranteed Minimum Pensions Increase Order (Northern Ireland) 2023
- The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order (Northern Ireland) 2023
- The Social Security Revaluation of Earnings Factors Order (Northern Ireland) 2023
- The Benefit Cap (Annual Limit) (Amendment) Regulations (Northern Ireland) 2023
- The Occupational Pension Schemes (Collective Money Purchase Schemes) Regulations (Northern Ireland) 2023

A decision was taken to allocate additional one-off funding to voluntary and community organisations who have a funding relationship with DfC's Voluntary and Community Division, and Community Empowerment Division. This is in line with the previous Minister's commitments to providing a practical response to the cost of living crisis and tackling disadvantage.

**Department for
Economy**

A decision was taken to publish the final report of the Independent Review of Invest NI on the DfE website. The Review was a Ministerial initiative launched by former Minister Lyons on 26th January 2022. Had a DfE Minister been in post, the Review Panel would have presented the Panel's report to the Minister, and officials would have sought Ministerial agreement for its publication. Given the central role which Invest NI plays in the development of the NI economy, and in accordance with the principles of good and open government and to ensure the best use of public funds, it was in the public interest for the Department to publish the report rather than await the appointment of a Minister. Publication also enabled the Department and Invest NI to demonstrate a pro-active approach to considering and, where appropriate, addressing the potentially significant implications for Invest NI within the report.

A decision was taken to launch a Statement of Intent with The Crown Estate (TCE) to express their commitment towards establishing offshore wind leasing for Northern Ireland. This Statement outlines the ways in which DfE and TCE will work together to create the conditions for offshore wind leasing in the Northern Ireland marine area and follows a period of close collaboration for DfE with TCE. The Statement is a crucial and significant step forward in the statutory process required to bring offshore wind development to NI waters; it is consistent with principles and commitments of the former Minister. Robust engagement has taken place with DAERA and DfI, both Departments are fully aware of and support the launch of the DfE/TCE Statement of Intent.

A decision was taken to approve additional funding for the Student Loans Company (SLC) for FY 22-23. A draft budget of £8.2m for FY 22-23 was previously approved by the Minister, giving SLC the legal authority to continue business as usual, based on prior year figures. This approach was adopted by all UK shareholders. Revised budget forecasting has allocated appropriate costs to each administration; £8.6m for Northern Ireland (£6.6m Resource, £2m Capital) inclusive of £325k resource to be reimbursed by DfE. This decision allows the Department to comply with its statutory obligations under The Education (Student Support)(No. 2) Regulations (Northern Ireland) 2009 (as amended) and The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 and the principle that it is a priority to maintain the delivery of public services as sustainably, effectively, and efficiently

as possible. The increased requirement can be met from current 2022/23 Higher Education budgets.

A decision was taken not to extend the Invest NI Chair's appointment beyond 31 January 2023, to take steps to seek to appoint an interim Chair and then to commence work on a competition to appoint a substantive Chair. Chair of Invest NI Rose Mary Stalker's current three-year term ended on 31 July 2022. The former Economy Minister extended her appointment until 31 January 2023 to allow the Independent Review of Invest NI to conclude and the findings to be considered. The Independent Review of Invest NI was published on 11 January 2023 and concluded that 'profound change is needed that requires reform and repurposing'. The Chair of the Invest NI Board is crucial for the oversight of the financial and governance functions for Invest NI, which includes the control and management of the organisation's expenditure.

A decision was taken to launch a public consultation on the draft Circular Economy Strategy (CES). This is not a major new policy decision, rather a decision on the delivery of a previously agreed process in the development of this key strategy. The launch of the consultation is a crucial step in transitioning the economy from a linear to a circular model, supporting sustainability and decarbonisation goals that are widely agreed across nations, government and sectors. The strategy will be a key enabler of Northern Ireland's 10X Economic and will underpin the transition to a circular economy where we rethink and reduce our use of earth's resources, switch to regenerative resources, minimise waste and maintain the value of products and materials for as long as possible. Any delay in publication would risk delaying NI's contribution towards combatting the climate change crisis and achieving sustainability and green growth goals.

A decision has been taken to proceed with a Social Science Research and Stakeholder Engagement Series. In October 2022, officials advised the then Minister about discussions with social scientists in Queen's University Belfast (QUB) aimed at developing an engagement series with a range of stakeholders to build awareness and understanding of the role of minerals in the growth of the green economy. A broad range of stakeholders will be engaged across government, local councils, industry, academia and the community. This engagement work will: inform consideration of the policy position on critical minerals; lead to a more robust policy development process; demonstrate that the Department is open to dialogue, which may help

alleviate community concerns or divisions; and ensure advice to future Ministers on the review of minerals policy will be fully informed by the views of a broad range of stakeholders.

A decision was taken to publish a consultation on design considerations for a renewable electricity support scheme, one of the 22 commitments outlined in the Energy Strategy Action Plan 2022. Consultation will be on the key design considerations for development of a support scheme, including options to define the principles underpinning the scheme, and other aspects, such as subsidy structure and eligibility criteria. Such a scheme is essential to deliver on the Executive's Energy Strategy targets and ensure that Northern Ireland can effectively attract investors in order to benefit from green growth opportunities. Deferral of a sufficiently incentivising scheme could contribute to a delay on decarbonisation action and would risk failure to meet the already extremely challenging renewable electricity consumption target of 80% from 2030 set out in Section 15 of the Climate Change (Northern Ireland) Act 2022.

**Department of
Education**

A decision was taken to approve Development Proposal (DP) 687 - Kilross Primary School (PS) will discontinue with effect from 31 August 2023, or as soon as possible thereafter.

A decision was taken to permanently increase the approved admissions and enrolment numbers at Rathfriland High School, effective from the 2023/24 academic year.

A decision was taken to allocate additional Year 8 places at a number of post-primary schools for the academic years 2023/24, 2024/25 and 2025/25. These additional places are of a temporary nature and are designed to cater for anticipated short and medium-term demographic pressure.

**Department of
Finance**

A decision was taken to engage Valuation Industry Experts to provide independent professional advice and expertise on specifying requirements for an innovative IT solution based on industry knowledge, industry trends and advancements and international best valuation practice. In addition these experts will assist in the identification of improvements by introducing best industry practices, availing of new emerging technologies within the Valuation industry and maximising on industry opportunities. The

Summary of decisions taken January 2023

Valuation expert will quality assure the Functional Specifications for the new system in line with current Valuation industry standards. A procurement exercise will take place in January 2023 and will assist the Valuation Delivery Partner Project over a five year period.

A decision was taken to approve the laying of the Report on the 2022 Review of the Effects of the Public Service Pensions Act (Northern Ireland) 2014 in the NI Assembly as required by Section 10 of the Public Service Pensions Act (NI) 2014.

A decision was taken to approve the Northern Ireland Water Limited Pay Remit for 2022-23. This allowed NI Water to proceed with implementing the 2022-23 pay award for staff. The DfI Accounting Officer advised that the award is affordable from within her Department's budget as set out by the Secretary of State in his Written Ministerial Statement on 24 November 2022.

A decision was taken to approve the DoH Agenda for Change and Salaried Doctors and Dentists pay remits for 2022-23. This allowed DoH to proceed with implementing the 2022-23 pay award for Health Service staff. The DoH Accounting Officer advised that the award is affordable from within his Department's budget as set out by the Secretary of State in his Written Ministerial Statement on 24 November 2022.

Department of Health

A decision was taken to appoint both Non-Executive (Registrant and Lay) Members to the Northern Ireland Practice and Education Council for Nursing and Midwifery.

A decision was taken for the DOH to participate in a UK wide consultation (led by DHSC) on a draft Anesthesia Associates and Physician Associates Order which will be UK-wide legislation under Section 60 of the Health Act 1999.

A decision was taken to balance the DOH resource budget in line with the request from the NIO which resulted in a reduction in spending in a number of areas.

A decision was taken for the DOH to publish a joint UK-wide consultation on proposals for changes to the Medicines and Healthcare products Regulatory Agency's statutory fees and a proposed Statutory Instrument for the legislative amendments.

Summary of decisions taken January 2023

A decision was taken to make three Statutory Rules required in order to change the name of both the Guardian ad Litem and NIGALA. The work is part of the phased implementation of the Adoption and Children Act (NI) 2022.

A decision was taken to appoint seven Authority Members to the Regulation Quality and Improvement Agency (RQIA).

A decision was taken to treat the 8th May Bank Holiday as a designated bank holiday in line with HSC staff groups' terms and conditions of service. Any staff required to work any part of the day would receive enhanced bank holiday rates and, where appropriate, a day off in lieu.

A decision was made to reappoint 13 Members to 5 DOH ALBs: Northern Ireland Ambulance Service, Northern Ireland Guardian Ad Litem Agency, Patient Client Council, Pharmaceutical Society Northern Ireland and Western Health and Social Care Trust.

A decision was taken to issue (with the Department of Justice) a new Domestic and Sexual Abuse Strategy for consultation. The Framework for the strategy (on which this is based) was approved by the outgoing Health and Justice Ministers in October 2022, and the draft Strategy was approved by the Strategic Delivery Board in December 2022. The date for publication is currently being considered.

A decision was taken to adjust the DOH Capital Budget for 2022/23 to ensure the best use of the budget.

A decision was taken to increase Medical Student Foundation places for the 2023 programme intake.

Department for Infrastructure

A decision was taken to approve a proposal from Translink to increase public transport fares. This is in line with the Secretary of State's (SoS) statement on 24th November 2022 on the 2022-23 budget in which he stated that "*We recognise steps will also need to be taken to improve Translink's sustainability through uprating Translink fares. This will help to reduce the budget pressure, whilst ensuring that the increase remains below the level of inflation.*"

A decision was taken to confirm a Revocation Order made by Mid Ulster Council under Section 70 (6) of the Planning

Summary of decisions taken January 2023

Act Northern Ireland) 2011 relating to an outline planning permission for a single house in the countryside.

A decision was taken to appoint a Non-Executive Councillor Member to the Board of the Warrenpoint Harbour Authority and will run for a four-year period.

A decision was taken to issue a direction to Fermanagh and Omagh District Council directing them to adopt their Plan Strategy (as first stage of the Local Development Plan) with modifications as specified.

Department of Justice

A decision was taken to issue a new Domestic and Sexual Abuse Strategy for consultation. The Framework for the strategy (on which this is based) was approved by the outgoing Health and Justice Ministers in October 2022, and the draft Strategy was approved by the Strategic Delivery Board in December 2022. The consultation issued on 7th February 2023.

A decision was taken to increase the interest rates paid to clients of the Court Funds Office (CFO) in Northern Ireland for funds held in court following increases to the United Kingdom base rate announced on 3 November 2022 and 15 December 2022.

A decision was taken to approve the publication of a targeted consultation paper on the draft Judicial Pensions (Remedial Service etc.) Regulations (Northern Ireland) 2023, which form part of the remedy for judges affected by the age discrimination present in pension schemes introduced throughout the public sector in the UK in 2015, identified in the McCloud decision. The previous Executive approved the policy in the Public Service Pensions and Judicial Offices Act 2022 and two Legislative Consent Motions were obtained in November 2021 and January 2022. Failure to have issued the consultation paper now may have resulted in failure to comply with the statutory obligations to address the McCloud remedy contained in the 2022 Act (as well as obligations to address the age discrimination identified in public sector pension schemes in the McCloud decision itself).

The Executive Office

A decision was taken not to provide comments on the List of Recommendations flowing from the UN Universal Periodic Review dialogue event in Geneva on 10 November. The UPR recommendations by their nature

Summary of decisions taken January 2023

tend to seek a new policy direction and/or legislation. It is considered that the public interest is best served by having elected ministers make these decisions.

A decision to provide factual input to 2018-21 European Social Charter (ESC) report, a Council of Europe (CoE) Treaty. It is considered the public interest is best served by providing updated factual information.