

## **A REPORT ON DECISIONS TAKEN DURING NOVEMBER 2018 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 AND EXERCISE OF FUNCTIONS) ACT 2018**

On 5 November 2018 the Secretary of State for Northern Ireland, in accordance with section 3(2) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, published guidance about the exercise of the functions of Northern Ireland departments during the period for Executive Formation. 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 promptly make it available to Parliament and to the Northern Ireland political parties.

This Summary Report has been prepared by the Executive Office and provides information on the decisions taken by Northern Ireland departments in November 2018.

### **Decisions Taken by Northern Ireland Departments: November 2018**

<b>Department</b>	<b>Description</b>
<b>The Executive Office</b>	The Executive Office (TEO) made the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2018. These Regulations transfer the function exercisable under Regulation 4 of the Sex Discrimination Order 1976 (Amendment) Regulations (NI) 2012 from TEO to the Department of Communities (DfC). This regulation relates to a requirement to review the operation and effect of the 2012 Regulations. Statutory responsibility for gender anti-discrimination law was transferred in 2016 from the former Office of the First Minister

and Deputy First Minister (now TEO) to DfC. While the intention was that statutory responsibility for Regulation 4 would also transfer along with other related functions, some legal ambiguity subsequently arose about whether this transfer had been effected. In order to ensure that DfC is fully empowered to deal with gender anti-discrimination matters, and particularly so that it can address a minor inoperability in the legislation related to EU Exit, the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2018 now confirm the transfer of the relevant function.

**Department  
For  
Communities**

An extension to 31 January 2019 of the period during which claimants with three or more children are prevented from claiming Universal Credit was made to protect the efficient administration of Universal Credit in Northern Ireland and to maintain parity with Great Britain, so that claimants in Northern Ireland are not disadvantaged compared to Great Britain.

A Scheme of Emergency Financial Assistance was activated to support households which had suffered flooding. This is consistent with the commitments of previous Executives and Ministers and ensures the maintenance of sustainable and efficient public services.

Approval was given to make ex-gratia payments to those affected by a policy change made by DWP impacting on those adopted or in kinship care. This was required to maintain parity with Great Britain in social security matters so that claimants in Northern Ireland are not comparatively disadvantaged.

A decision was taken to allow Northern Ireland to be included in a UK-wide funding guarantee for Creative Europe which ensures that individuals or groups in receipt of Creative Europe

grants will be unaffected by a “no-deal” outcome to the process of exiting the European Union.

A decision was taken to allow Northern Ireland to be included in a UK-wide mechanism to deliver the HMG guarantee for the Europe for Citizens fund and European Solidarity Corps fund in the event of a “no-deal” outcome to the process of exiting the European Union.

The Social Fund and Income Related Benefits (Miscellaneous Amendments and Savings) Regulations (Northern Ireland) 2018 were made to amend social security legislation as a consequence of the introduction of Scotland’s Early Years Assistance. The amendments ensure parity is maintained with Great Britain in line with section 87 of the Northern Ireland Act.

The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 were made to deliver the Child Maintenance Compliance and Arrears Strategy to ensure the maintenance of sustainable and efficient public services. This also ensures that Northern Ireland maintains parity with Great Britain and operates to the same timescale as DWP.

A decision was taken to recommend to the Executive Office that the current Northern Ireland Commissioner for Young People should be reappointed for a second four year term.

**Department  
for the  
Economy**

The appointment of a Temporary Chair to the Governing Body of South Eastern Regional College was made to allow sufficient time to recruit a permanent replacement and also to comply with the statutory requirement in the College’s governance documents that requires a temporary Chair appointment to be made where there is a vacancy in the permanent Chair position

The terms of appointment allow for an incoming Minister to review, confirm or terminate it.

**Department of Education** A 12 month extension is likely to be granted to the term of office of the current Chairperson of the Education Authority beyond the end of the current four-year term on 31 March 2019; and an invitation has been extended to the 12 representative organisations to nominate an individual to serve as their nominee on the Education Authority for a 12 month period starting 1 April 2019. This will enable the continuation of the effective delivery of education services in Northern Ireland.

**Department of Finance** A decision to determine Public Sector Pay Policy for 2018/19 has been taken by the Department of Finance. This decision represented an extension of the previous Minister's approach of following national Public Sector Pay Policy and was in line with the budgetary decisions taken nationally and by the Secretary of State for Northern Ireland for 2018-19 [Northern Ireland Budget (Anticipation and Adjustments) Act 2018].

In-year monitoring reallocations affect numerous departments: final allocations were made and announced by DoF on 22nd November 2018 following discussion with senior officials from all of the NI departments. Previously, in year monitoring decisions were recommended by the Finance Minister and made by the Executive, given their cross cutting nature.

**Department of Health** Additional interim funding was allocated to community pharmacy for 2018/19 and 2019/20 in response to significant concerns expressed about funding pressures by community pharmacy contractors and their representative body, Community Pharmacy Northern Ireland (CPNI), wholesalers and elected representatives. This is an interim allocation of

funding which is aimed to provide stability within the community pharmacy network and ensure that patients will continue to have safe access to medicines.

The Department of Health (DoH) has made a formal offer to trade unions based on the application of the English Agenda for Change model on current NI pay values for 2018/19. This will have a revalorisation cost of £60.45m which is available for this purpose following October Monitoring, and would represent an additional 2.97% to the overall Health and Social Care paybill. Subject to the trades unions' response, DoH aims to have payments made to staff in February 2019.

**Department for Infrastructure** The Water Environment (Floods Directive) (Amendment No. 2) Regulations (Northern Ireland) 2018 were laid in the Assembly on 28 November 2018, to come into operation on 21 December 2018. These will update out-of-date references to other legislation and ensure the current regime is compliant with the most up-to-date legislation and reflect the decisions of previous Ministers. The Regulations also need to be made before subsequent EU Exit regulations.

“Guidance and Administrative Framework into Late Flights at George Best Belfast City Airport” was issued to improve monitoring and enforcement of the restriction contained in a planning agreement relating to delayed flights; and to control certain aspects of the airport's operations to deliver environmental objectives, particularly noise control.

A decision was taken to make the following subordinate legislation: Parking Places and Waiting Restrictions Orders in respect of Cookstown; Dungannon; Magherafelt; Toome and Londonderry; and The Schools (Part-Time 20mph Speed Limit)

(Amendment) Order (Northern Ireland) 2018.

Five of the Orders will introduce parking and / or waiting restrictions in the towns / city in question and one will allow part time speed limits to be introduced at two schools.

The Cookstown, Dungannon and Magherafelt Orders were made on 30 November and the remaining three Orders were made on 3 December 2018.

**Department of  
Justice**

A judicial nominee was appointed to serve as a Parole Commissioner in light of the Worboys judgment, in which the court held that particularly sensitive cases should have judicial input.

A Chair was appointed to the RUC George Cross Foundation and a reserve list created, to ensure the organisation can continue to function effectively.

The nomination was approved of two existing members of the Mental Health Review Tribunal (MHRT) to act as President of the Tribunal in “restricted patient” appeals. This will ensure the MHRT’s capacity to maintain an appropriate level of service and reduce delay in listing applications for patients subject to a Restriction order.

A decision was taken to agree the transposition into NI law of the Council Framework Decision relating to Accreditation of Forensic Service Providers, thereby guarding against further infraction proceedings and associated fines; ensuring the ongoing effective delivery of public services; and ensuring a consistent approach across the UK.

Senior officials in the Department of Justice have been permitted to consider appeals against Firearms refusal / revocation decisions made by the PSNI. This will enable due process to continue in the absence of a Minister and to mitigate against potential Judicial Review proceedings on the grounds of undue delay or Wednesbury unreasonableness.

**THE EXECUTIVE OFFICE**

**DECEMBER 2018**