

PROGRESS REPORT ON IMPLEMENTING THE ACTION PLAN
in response to External Independent Review

May 2023

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Introduction

In January 2023, PwC provided DAERA as the commissioning department, and through it, the Oversight Group (comprising the Head of the Civil Service along with the Permanent Secretaries for DAERA and DoF and Group Head of Internal Audit), with the findings and recommendations of the External Independent Review, which it had undertaken following its appointment in May 2022.

An Action Plan was developed in response to the recommendations of the External Independent Review. The Action Plan was published in January 2023 and the DAERA and DoF Permanent Secretaries asked their respective Audit and Risk Assurance Committees (ARAC) to scrutinise progress.

The Permanent Secretaries also undertook publishing a quarterly progress report. This Progress Report outlines the advances made in implementing the Action Plan.

Finding 1: Updating of Core Policy Documents

Recommendation:

The last review date of the 3 policies [Managing Public Money NI, the DAERA Enforcement Policy and the DAERA Whistleblowing Policy] indicated should be updated to evidence the date of the last review. The names reported in the policy documents and on the website should be updated so they are consistent. Ownership for each policy should be assigned to a specific role or person within the relevant department.

	Department	Action	Timescale for completion	Progress
1	DAERA	The DAERA Enforcement policy will be reviewed and updated, published on the DAERA website and communicated to DAERA staff and stakeholders.	May 2023	ON TRACK Progressing in line with the timescale.
2	DAERA	A formal review cycle will be introduced for the DAERA Enforcement policy which will require it to be formally reviewed every five years unless an earlier review is needed.	May 2023	ON TRACK Progressing in line with the timescale.
3	DAERA	The DAERA Enforcement policy will have a clear owner who will take responsibility for ensuring implementation of the regular review cycle (or earlier reviews if needed) and the policy document will include details of the ownership and review dates.	May 2023	ON TRACK Progressing in line with the timescale.
4	DAERA	The DAERA Whistleblowing policy will be reviewed and updated including to reflect fully the content and approach outlined in the NICS <i>Raising a Concern framework</i> (referred to at Action 11). The updated policy will be published on the DAERA intranet and communicated to all DAERA staff.	March 2023	COMPLETE Raising a Concern policy and guidance issued to all staff on the 29 March and published on the intranet.
5	DAERA	The DAERA Whistleblowing Policy will have a designated owner who will take responsibility for ensuring implementation of the formal review cycle and the policy documents will include ownership and review dates.	March 2023	COMPLETE Finance Director will be the designated owner of the Raising a Concern policy, nominated 29 March 2023.
6	DoF	Recognising that the points about policy ownership and regular review are more widely applicable across all departments, the Information Governance Board will issue guidance on the review arrangements for corporate policy documents.	March 2023	COMPLETE Guidance on Version control published online 6 April.

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7	DoF	A formal review cycle will be introduced for <i>Managing Public Money NI</i> (MPMNI) and this, along with the responsible owner, will be documented in the policy and on the relevant web page.	April 2023	DELAYED Delayed due to competing priorities, on target for completion by end of June 23.
8	DoF	The NICS Code of Ethics was updated and drawn to the attention of all staff in February 2022. A formal review cycle will be introduced for the NICS Code of Ethics and this, along with the responsible owner, will be documented in the policy and on the relevant web page.	March 2023	COMPLETE Updated version of the Code published on DoF Website, 30 March.
9	TEO	The Head of the Civil Service will circulate the Code of Ethics in line with the performance management reporting cycle. This will include a reminder that performance management includes an assessment of behaviours in relation to the Code, as well as the delivery of business objectives. A breach of the Code of Ethics will be treated under performance management arrangements and may be treated as a disciplinary matter.	March 2023	COMPLETE Code circulated in a note to all staff, 19 April.
10	DoF	The NICS HR Handbook is regularly reviewed. Additions to and deletions from the Handbook are agreed through the formal agreed central Civil Service negotiating arrangements, advised to NICS trade unions and publicised to staff internally.	Ongoing	COMPLETE All arrangements in place to fulfil this recommendation for the future.

Finding 2: Recording and escalating line of business concerns.**Recommendation:**

Guidance for staff in line with line management responsibilities should be introduced to understand what the criteria for escalation may be and the process that should be followed. This should include 'red flags' to be aware of such as repeated concerns being made and potential increase in severity. Where escalation is deemed required, a process should be introduced which allows line managers to record line of business concerns on a register making a note of who the matter has been escalated to for action. This register should be reviewed by an independent person of appropriate seniority. This person would be responsible for ensuring that the matter is being dealt with appropriately. This process should be set out within the guidance referred to in (1) above.

	Department	Action	Timescale for completion	Progress
11	DoF	DoF has published a new Raising a Concern Policy Framework which will apply across the NICS.	January 2023	COMPLETE Raising a Concern Policy Framework published 25 January.
12	All NICS Departments	The Raising a Concern Policy Framework will be reflected in updated operational guidance at departmental level, including guidance on registering concerns, recognising protected disclosures arising from line of business issues, and identifying the thresholds for escalating concerns.	June 2023	ON TRACK
13	All NICS Departments	Each department will have a Designated Officer responsible for overseeing the handling of concerns, including maintaining a record, and reporting to their departmental Audit and Risk Assurance Committee on a regular basis.	April 2023	COMPLETE All Designated Officers nominated by Departments for the first meeting of the Designated Officers' Forum, 6 April.
14	DoF	Training will be rolled out to responsible officials across all departments to ensure that there is a shared understanding of their role in dealing with concerns raised by staff or members of the public.	June 2023	ON TRACK Training for Designated Officers scheduled for 11 May; training for teams in preparation.
15	DoF	DoF will establish a Designated Officers' Forum to discuss common issues around the raising and handling of concerns to ensure system-wide learning.	April 2023	COMPLETE Forum met for the first time on 6 April.
16	TEO	The NICS Board will commission an annual report from the Designated Officers' Forum on the concerns being raised across departments, in order to monitor trends and address problems.	July 2023	ON TRACK Initial discussions around the scope of the commission have begun.

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	Department	Action	Timescale for completion	Progress
17	DoF	The Group Internal Audit Service will complete audits within all nine Departments to ensure the Raising a Concern Policy Framework is adequate and effective to manage the concerns raised. They will also provide an overall report to NICS Board on the summary of key findings across the NICS including good practice, lessons to be learned and any further enhancements required.	By March 2024	ON TRACK Audits have been scheduled for completion by quarter 3.
18	DAERA	DAERA will nominate a Designated Officer responsible for overseeing the handling of concerns, including maintaining a record of all concerns raised.	January 2023	COMPLETE DAERA Designated Officer nominated, 26 January 2023.
19	DAERA	The DAERA Audit and Risk Assurance Committee will continue to have oversight of all whistleblowing/raising concerns cases relating to the Department.	At each meeting	ONGOING This is an ongoing requirement
20	DAERA	DAERA will provide specific guidance to all staff with line management responsibilities on the identification and handling of protected disclosures, including those which arise through normal line of business activity, and monitoring for 'red flags.'	March 2023	COMPLETE Raising a Concern policy and guidance, which includes protected disclosures and normal line of business activity, issued to all staff on the 29 March and published on the intranet.
21	DAERA	The guidance referred to at (action 20) will be supplemented with bespoke training for all DAERA staff at Grade 7 and above on handling concerns.	September 2023	ON TRACK
22	DAERA	DAERA will revise its induction material to ensure that new staff joining the Department receive a briefing on how to handle concerns raised with them by staff or members of the public.	March 2023	COMPLETE Induction material revised by 31 March 2023 This will be enhanced further when action 21 is completed.

Finding 3: Record Keeping.

Recommendation:

The need to retain detailed and formal records should be reinforced within DAERA. This would include the need to ensure full and structured records are kept on key decisions, consultations and judgements to ensure an adequate audit trail is retained of how concerns are being managed. Templates should be introduced to assist staff documenting key discussions to ensure relevant information is retained including: date of discussion; who was involved; key matters discussed; and agreed next steps. These records should be detailed enough to provide a full audit trail to show how escalated matters recorded on the register per finding 2 are being dealt with.

	Department	Action	Timescale for completion	Progress
23	DAERA	The Department will stress again to all staff the requirement to make and retain appropriate records including relating to decision-making and make clear that senior officers are responsible for ensuring that high standards of record-keeping are in place in their business areas.	February 2023	COMPLETE Memo issued to all staff, 2 March 2023.
24	DAERA	All staff in DAERA will be reminded to include in their annual performance agreement a specific objective relating to record-keeping which will be subject to performance management.	February 2022	COMPLETE Memo issued to all staff, 2 March 2023.
25	DAERA	Recognising the importance of record-keeping and its place in the NICS Code of Ethics , staff will be reminded that any breaches of the requirements to make and retain clear records may be dealt with under NICS disciplinary processes.	February 2023	COMPLETE Memo issued to all staff, 2 March 2023.
26	DAERA	DAERA will revise its induction material to strengthen its content to ensure that new staff joining the Department are absolutely clear about their responsibilities for record keeping and records management.	January 2023	COMPLETE Additional wording on record keeping and record management included in induction material, completed by 27 January 2023.
27	DoF	The Code of Ethics was revised to include an explicit obligation on civil servants to keep accurate official records. This will be promoted to staff bi-annually in line with performance management reporting cycles (Action 8 above).	February 2023	COMPLETE Code revised and issued February 2022. Code circulated to all staff, 19 April.
28	DoF	The new <i>Raising a Concern</i> framework sets out the requirement for good record-keeping relating to concerns.	January 2023	COMPLETE Raising a Concern Policy Framework published 25 January.

Finding 4: Training

Recommendation:

DAERA should review and confirm they are satisfied with the adequacy of training in place for employees on how to manage concerns. If any gaps are identified an action plan should be put in place to address these.

Actions 14,21, 22 above will fulfil this recommendation.

Additional Finding: Roles and responsibilities in dealing with employment-related legal cases

Recommendation:

The Phase 1 report from the external review also highlighted some learning in dealing with employment-related legal cases. While not specifically referenced in Phase 2 report recommendations, DAERA and DoF [DSO/NICSHR] have identified some additional actions to be taken to help ensure that such learning can be embedded for the future.

	Department	Action	Timescale for completion	Progress
29	DoF	A protocol is being developed and will be introduced in relation to the management of employment-related legal cases. This will clearly set out the respective roles, responsibilities and decision-making authorities of all stakeholders. It will include the employing department, the Departmental Solicitor's Office, any external legal support (e.g., counsel), and the relevant HR functions.	April 2023	COMPLETE Issued to Permanent Secretaries on the 4 May 2023.
30	DoF	Refreshed advice, reflecting existing good practice, will be provided to all departments to set out the level of support and preparation available to staff giving evidence in a court, tribunal or public inquiry.	April 2023	COMPLETE Guidance documents have been produced and the relevant advice is provided by the DSO lawyer to witnesses dependent on the type of proceedings involved.
31	DoF	Advice on managing conflicts of interest in the context of legal cases will be issued to all departments.	April 2023	DELAYED Delayed due to competing priorities in public audit programme. Good progress made with NICS HR colleagues on draft guidance. On target for completion, May 2023.
32	DAERA	Following development of the protocol referenced at Action 29 above, and reflecting its content, roles and responsibilities of senior staff in DAERA in relation to decisions on how to respond to litigation in employment cases and the limits of delegation in such cases, including in relation to approval of expenditure, will be clearly communicated.	May 2023	ON TRACK

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	Department	Action	Timescale for completion	Progress
33	DAERA	New arrangements will immediately be put in place in DAERA, pending development of the protocol, to ensure that staff who were involved in decisions or processes that may have given rise to employment-related legal action are not involved in decision-making on that legal action.	Immediate	COMPLETE Memo on the new arrangements issued to the Top Leadership Team and Agency Chief Executives, 6 February 2023.