

# **Partnership Agreement between the Department for the Economy and the Consumer Council for Northern Ireland**

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### 1 The Partnership Agreement

- 1.1 This document has been drawn up by the Department for the Economy (DfE) in consultation with the Consumer Council for Northern Ireland (Consumer Council) and sets out partnership arrangements between the Consumer Council and its principal partner department, DfE.
- 1.2 The Consumer Council also undertakes certain functions for other Northern Ireland (NI) and UK Government Departments including:
- Department for Communities (DfC)
  - Department for Infrastructure (DfI)
  - Department for Business and Trade (DBT)
  - HM Treasury (HMT)
  - NI and UK regulators

These organisations partner the Consumer Council in respect of these functions.

- 1.3 The Partnership Agreement (Agreement) explains the overall governance framework within which the Consumer Council operates, including the framework through which the necessary assurances are provided to stakeholders. Roles and responsibilities of partners within the overall governance framework are outlined in paras 2.1 to 2.15, and 2.18.
- 1.4 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles each party contributes.
- 1.5 Underpinning the arrangements are the principles set out in the **NI Code of Good Practice ‘Partnerships between Departments and Arm’s Length Bodies’<sup>1</sup>**, which should be read in conjunction with this document.

The five principles the NI Code of Good Practice are:

#### **LEADERSHIP**

Partnerships work well when Departments and Arm’s Length Bodies demonstrate good leadership to achieve a shared vision and effective delivery of public services. Strong leadership will provide inspiration, instil confidence and trust and empower their respective teams to deliver good outcomes for citizens.

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<sup>1</sup> Available at: [DAO 03/19 - DoF website](#)

## **PURPOSE**

Partnerships work well when the purpose, objectives and roles of Arm's Length Bodies and the partner Departments are clear, mutually understood and reviewed on a regular basis. There needs to be absolute clarity about lines of accountability and responsibility between Departments and Arm's Length Bodies. In exercising statutory functions Arm's Length Bodies need to have clarity about how their purpose and objectives align with those of Departments.

## **ASSURANCE**

Partnerships work well when Departments adopt a proportionate approach to assurance, based on Arm's Length Bodies' purpose and a mutual understanding of risk. Arm's Length Bodies should have robust governance arrangements in place and in turn Departments should give Arm's Length Bodies the autonomy to deliver effectively. Management information should be what is needed to enable Departments and Arm's Length Bodies to provide assurance and assess performance.

## **VALUE**

Partnerships work well when Departments and Arm's Length Bodies share knowledge, skills and experience in order to enhance their impact and delivery. Arm's Length Bodies are able to contribute to policy making and Departmental priorities. There is a focus on innovation, and on how Departments and Arm's Length Bodies work together to deliver the most effective policies and services for their customers.

## **ENGAGEMENT**

Partnerships work well when relationships between Departments and Arm's Length Bodies are open, honest, constructive, and based on trust. There is mutual understanding about each other's objectives and clear expectations about the terms of engagement.

- 1.6 This document should also be read in conjunction with guidance on proportionate autonomy which provides an outline of the principles and characteristics for proportionate autonomy. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance to be established between the Consumer Council and partnering Departments, and this is reflected in the agreement.
- 1.7 A copy of the Agreement with the Consumer Council should be given to all newly appointed Board Members, Consumer Council senior management staff and departmental partner staff on appointment.

Additionally, the Agreement should be tabled for the information of Board members at least annually, at a full meeting of the Board. Amendments made

to this Agreement should be brought to the attention of, and ratified by, the full Consumer Council Board, on a timely basis.

1.8 Subject to legislation detailed in the next section, the Agreement sets out the broad framework within which the Consumer Council operates, in particular:

- The Consumer Council's overall aims, objectives and targets in support of DfE's and other partnering Departments' wider strategic aims outcomes and targets.
- The rules and guidelines relevant to the exercise of the Consumer Council's functions, duties and powers.
- The conditions under which any public funds are paid to the Consumer Council.
- How the Consumer Council is to be held accountable for its performance.

1.9 The Consumer Council's vision and mission:

**VISION**

To protect and empower consumers in NI.

**MISSION**

To be the trusted go-to organisation for consumers in NI. To work with governments and stakeholders to inform policy and decision making, using our research, insight and expertise to deliver positive outcomes for consumers.

1.10 The Consumer Council's vision and mission is underpinned by five strategic objectives set out in its 2021-2026 Corporate Plan:

**Understanding consumers**

To understand the emerging risks, challenges and opportunities consumers in NI are facing at a community, regional, national and international level.

**Influencing policy**

To influence any public policy that affects NI consumers, ensuring it meets their needs, safeguards protections, is citizen-focused and supports inclusive economic recovery.

**Representing consumers**

To be the trusted independent voice of NI consumers, particularly for consumers in vulnerable circumstances, through our work in helping them meet challenges and plan for their future.

**Protecting consumers**

To put things right by offering impartial dispute resolution and signposting services and guidance on consumer rights, and work in partnership with the advice sector, to avoid duplication.

**Empowering consumers**

To empower consumers by giving them information and advice about their rights and responsibilities, particularly changing consumer protections emerging from the strategic landscape.

1.11 DfE (and other partnering Departments) and the Consumer Council are committed to:

- Working together within distinct roles and responsibilities.
- Maintaining focus on successful delivery of the Consumer Council's statutory functions. This may need to be revised if there is a revised Programme for Government (PfG).
- Maintaining open and honest communication and dialogue.
- Keeping each other informed of any issues and concerns, in particular of any proposals from DfE, or any other NI Executive and UK Government Departments, or another body, for the Consumer Council to take on any new functions or roles.
- Supporting and challenging each other on developing policy and delivery, including when developing policy and supporting intervention may cut across more than one NI Executive and/or UK Government Department.
- Seeking to resolve issues quickly and constructively.
- Acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.

1.12 DfE (after seeking advice from other partner Departments as appropriate) shall determine what changes, if any, are to be incorporated into the Agreement. The Consumer Council may also propose amendments however legislative provisions shall take precedence over any part of the Agreement, but there may be scope to review and update current provisions in a

proportionate manner.

Significant variations to the Agreement shall be cleared with the Department of Finance (DoF), after consultation with the Consumer Council, as appropriate, and the definition of “significant” will be determined by DfE, in consultation with DoF.

- 1.13 The effectiveness of the partnership and the associated Engagement Plan will be reviewed each year by DfE and the Consumer Council in order to assess whether the partnership is operating as intended and to identify any emerging issues/opportunities for enhancement. This can be carried out as part of existing governance arrangements.

The Agreement document itself will be reviewed formally at least once every three years to ensure it remains fit for purpose and up-to-date in terms of current governance frameworks. The formal review will be proportionate to the Consumer Council’s size and overall responsibilities and will be published on the DfE and Consumer Council websites as soon as practical, following completion.

In carrying out this review DfE and the Consumer Council will consult as appropriate with other partner Departments.

- 1.14 A copy of this Agreement has been placed in the Assembly Library and is available on the DfE and Consumer Council websites.

### **2 Statutory Purpose and Strategic Objectives**

2.1 The Consumer Council was established in April 1985 as a non-departmental public body (NDPB) under the General Consumer Council (Northern Ireland) Order 1984 ('the Order'). It has a degree of operational autonomy from DfE and the NI Executive and UK Government Departments with which it operates.

The Consumer Council is not under day-to-day ministerial control. However, it is a statutory corporation and must carry out its functions under and in accordance with the statutes which apply to it. For national accounts purposes, the Consumer Council is classified to the central government sector.

2.2 The Order sets out the Consumer Council's principal statutory duty as promoting and safeguarding the interests of consumers in NI by empowering them and providing a strong representative voice to policy makers, regulators and service providers.

2.3 In accordance with The Order, the Consumer Council's main duties are to:

- Consider any complaint made to it relating to consumer affairs and, where it appears to the Consumer Council to be appropriate, having regard to any other remedy which may be available to the complainant, investigate the complaint and take such further action in relation thereto as the Consumer Council may determine.
- Carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs.
- Promote discussion of, and the dissemination of information relating to, consumer affairs.
- Report to an NI Department on any matter relating to consumer affairs which is referred to the Consumer Council by that Department.

2.4 The Consumer Council is also required to appoint groups under the Schedule to the Order. There is

- A group in connection with the exercise of its functions in relation to transport.
- A group in connection with the exercise of its functions in relation to food.
- A group in connection with the exercise of its functions in relation to energy.



- A group in connection with the exercise of its functions under Chapter III of Part III of the Water and Sewerage Services (Northern Ireland) Order 2006.

The Schedule to the Order sets out detailed provisions in relation to the Consumer Council.

## Functions

- 2.5 The Consumer Council also has statutory functions in relation to energy, postal services, transport, and water and sewerage which are set out in legislation other than the Order.

Responsibility for this legislation lies with a number of NI Executive and UK Government Departments, and not just DfE.

- The relevant energy legislation is Part IV of the Energy (Northern Ireland) Order 2003 which sets out certain functions for the Consumer Council in relation to electricity and gas.
- The relevant transport legislation is Article 5 of the Order and Sections 23 and 24 of the Transport Act (NI) 2011.
- The relevant water and sewerage legislation is Chapter III of the Water and Sewerage Services (Northern Ireland) Order 2006 which confers certain functions on the Consumer Council in relation to consumer matters.

- 2.6 The Consumer Council works with HMT and DBT, and other NI Executive and UK Government Departments, as well as NI and UK regulators, to deliver both statutory and non-statutory responsibilities.

- 2.7 The Consumer Council performs its functions on behalf of all NI consumers. However, it pays particular regard to representing consumers:

- who are disabled or have long term health conditions
- who are of pensionable age
- who are on low incomes
- who live in rural areas

## Powers

- 2.8 The Consumer Council is a designated super-complaints body under the Enterprise Act 2002 and the Financial Services and Markets Act 2013.

Under both Acts, it can, if it believes any feature of a market in the UK is, or appears to be, significantly harming the interests of consumers, raise a super-complaint to the relevant UK or NI regulator.

- Civil Aviation Authority (CAA)
- Competition and Markets Authority (CMA)
- Financial Conduct Authority (FCA)
- Office of Communications (Ofcom)
- Office of Gas and Electricity Markets (Ofgem)
- Office of Rail and Road (ORR)
- Payment Systems Regulator (PSR)
- Utility Regulator
- Water Services Regulation Authority (Ofwat)

2.9 Under the Electricity (NI) Order 1992 and the Gas (NI) Order 1996, the Consumer Council may appeal to the CMA if it believes a modification by the Utility Regulator to the licence of a gas or electricity provider is detrimental to the interests of consumers.

The CMA must give permission to the Consumer Council for such an appeal.

2.10 The Consumer Council has responsibilities under the Rural Needs Act 2016 and Section 75 of the Northern Ireland Act 1998. In this role, it aims to ensure government policies recognise consumer needs in rural areas and promote equality of opportunity and good relations across a range of equality categories.

2.11 To ensure it can protect and empower NI consumers, the Consumer Council has different legal powers and duties, underpinned by legislation and electricity and gas licences, and cooperation agreements set in memorandums of understanding.

#### 2.11.1 Consumer empowerment

With regards to consumer empowerment, The Order gives the Consumer Council powers to:

- undertake enquiries
- investigate complaints under our statutory functions
- promote and disseminate any information related to consumer affairs in order to educate and empower consumers
- undertake independent consumer research
- report to an NI Department on any matter relating to consumer affairs

#### 2.11.2 EU Exit

With regards to EU Exit, The Order gives the Consumer Council powers to monitor and report on the real and perceived impacts for consumers in light of NI's unique position of being in the UK customs territory with access to the EU

single market for goods, and the considerations of the NI Protocol.

It allows the Consumer Council to educate and empower consumers to understand how any changes might affect them and what actions they need to take. The work carried out by the Consumer Council is also aligned to the following Articles of the NI Protocol:

- Article 4: Customs territory of the UK
- Article 5: Customs, movement of goods
- Article 6: Protection of the UK internal market
- Article 9: Single electricity market
- Article 11: Other areas of North-South cooperation

### 2.11.3 Energy

Part IV of the Energy (Northern Ireland) Order 2003 (the 2003 Order) confers certain functions on the Consumer Council regarding “the interests of consumers” (that is the interests of consumers in relation to gas or electricity supplied by authorised suppliers) and “consumer matters” (that is any matter connected with “the interests of consumers”).

In considering “the interests of consumers” the Consumer Council is required to have particular regard to the interests of consumers:

- who are disabled or have long term health conditions
- who are of pensionable age
- who are on low incomes
- who live in rural areas

The legislation detailed above does not mean that regard may not be had to the interests of other descriptions of a consumer or consumer groups.

The functions of the Consumer Council under the 2003 Order (articles 17 to 23) include the following:

- Obtaining and keeping under review information about consumer matters, and information about the views of consumers on such matters. In relation to this, where the Utility Regulator is required by any provision of the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996 to publish a notice or any other document, it shall send a copy to the Consumer Council.
- Making proposals, or providing advice and information, about consumer matters; and representing the views of consumers on such matters to public authorities, persons authorised by a licence or exemption under the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996, and other persons whose activities may affect the interests of consumers.

- Providing information about consumer matters to consumers of electricity or gas supplied by authorised suppliers.
- Publishing statistical information about certain complaints about authorised electricity and gas suppliers.
- Publishing advice and information about consumer matters to promote the interests of consumers
- Investigating certain complaints made by any customer, or potential customer of, or user of electricity or gas supplied by an authorised supplier.
- Investigating other matters relating to the interests of consumers in relation to electricity and gas supplied by authorised suppliers.

The Consumer Council also has certain other functions in relation to Energy:

- Under the Electricity (Northern Ireland) Order 1992 and the Energy (Northern Ireland) Order 2003 regarding the standards of service, dealing with complaints and billing disputes between an electricity supplier and a customer.
- Under the Gas (Northern Ireland) Order 1996 regarding billing disputes between a gas supplier and a customer.
- Under the Energy Act (Northern Ireland) 2011 regarding disputes of standards of performance between gas suppliers and customers in individual cases.

#### 2.11.4 Financial services

Financial services are a reserved matter. HMT provides financial assistance to the Consumer Council under section 333S of the Financial Services Act 2000 (a UK Act) for the purpose of acting against illegal money lending.

Unlike the organisations funded by HMT in England, Scotland and Wales, the Consumer Council's work in this area is solely focused on research, empowerment and awareness, and the promotion of access to alternative forms of credit to reduce financial exclusion in NI and consequently reduce the risk of consumers using an illegal lender. This is done in a number of ways, including outreach and education programmes.

Unlike the teams funded by HMT in the other nations, the Consumer Council has no enforcement role. HMT provides separate funding to the Police Service of Northern Ireland for enforcement activity.

Accountability Arrangements: The Consumer Council is required to submit a business case and annual funding bid to HMT. Once agreed, the Consumer Council makes quarterly funding claims to HMT, and is also required to

provide quarterly and end of year reports detailing its expenditure and delivery against the agreed objectives as set out in the annual grant from HMT. The Consumer Council also provides a copy of its audited accounts.

HMT has a governance process in which biannual governance meetings are held with the Consumer Council and the illegal lending teams from England, Scotland and Wales, where teams provide an update on delivery of their work and priorities, as well as share intelligence and best practice.

#### 2.11.5 Food affordability and accessibility

The Order gives the Consumer Council powers to research and report on the issues or barriers NI consumers might face in order to access affordable, good, nutritious and enjoyable food, of an appropriate quality and quantity, to sustain an acceptable standard of living appropriate for all.

The Order also gives the Consumer Council powers to consider, report to and respond to consultations from the Department of Agriculture, Environment and Rural Affairs (DAERA) when and where appropriate for us to do so. Food accessibility and affordability cuts across all four consumer priorities in the 2021-2026 Corporate Plan.

#### 2.11.6 Postal services

Postal services are a reserved matter. The Consumer Council has certain functions in relation to postal services with DBT as the partner Department, which funds its consumer advocacy work in NI.

The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 transferred National Consumer Council functions for consumer matters in relation to post in NI to the Consumer Council.

The Order transfers to the Consumer Council certain functions of the National Consumer Council under the Postal Services Act 2000 the Consumer Estate Agents and Redress Act 2007 and the Postal Services Act 2011 which are all UK acts. The Consumer Council thereby took on the functions of the National Consumer Council (which was abolished) relating to consumer matters in NI for postal services.

The Consumer Council's work focuses on carrying out research, influencing policy, providing advice and information, and investigating complaints made by consumers in vulnerable circumstances, and gives us information gathering and investigation powers to help fulfil this statutory function.

#### 2.11.7 Transport

Article 5 of the Order confers certain functions on the Consumer Council in relation to transport.

Article 5(1) requires the Consumer Council to: “consider and, where it appears to it to be desirable, make recommendations with respect to any matter affecting road or railway passenger transport services and facilities in NI and services and facilities provided for passengers travelling to and from NI.”

Sections 23 and 24 of the Transport Act (NI) 2011

Article 23 requires the Consumer Council to prepare a forward work programme containing a general description of the projects which it plans to undertake during the year in the exercise of its transport functions. “Transport functions” means functions under Article 5(1) of The Order so far as they relate to passenger transport.

- The forward work programme is also to include an estimate of overall expenditure by the Consumer Council in relation to those functions.
- The forward work programme is required to be published and sent to the DfI, and the Consumer Council must consider any representations or objections to the programme.

Article 24 requires the Department for Regional Development (replaced by DfI) and the Consumer Council to make and agree arrangements with a view to securing co-operation and the exchange of information between them and consistent treatment of matters which affect both of them.

Article 20 of the Airports (Northern Ireland) Order 1994 provides that an airport designated by an order made by the DfI must provide for facilities for consultation on any matter concerning the management or administration of the airport which affects the interests of certain persons. These are:

- users of the airport
- the Consumer Council
- the district council in whose district the airport or any part thereof is situated or whose district is in the locality of the airport
- any other organisation representing the interests of persons concerned with the locality in which the airport is situated

The Taxis Act (Northern Ireland) 2008 confers certain functions on the Consumer Council. These are:

- Section 3 which requires a licensed taxi operator to deal with any complaints concerning the operation of their taxi service in a manner prescribed by DfI regulations. These regulations may include provision for the involvement of the Consumer Council in relation to any such complaints.

- Section 10 which sets out the factors that DfI will take into consideration when deciding whether to authorise an operator under section 8 to operate a service at separate fares. DfI must take into consideration any recommendations made by the Consumer Council in making such decisions.
- Sections 16 to 18, which regulate taxi fares, which set out that DfI may make regulations regarding the fixing of maximum fares and other charges related to the hiring of taxis. Before making such regulations DfI must take into consideration any recommendations made by the Consumer Council.
- Section 50 which enables DfI to publish information about any of the provisions of the Act, but before doing so it must take into consideration any recommendations made by the Consumer Council.

The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014 (“the 2014 Regulations”) implements certain provisions of Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air. The Consumer Council has certain responsibilities under Regulation 4 of the 2014 Regulations.

The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 implements certain provisions of Regulation 1371/2007, and Regulation 5 implements Article 30(2) of Regulation 1371/2007, by designating the Consumer Council as the body to which complaints may be made by passengers about alleged infringements of Regulation 1371/2007.

#### 2.11.8 Water

The Water and Sewerage Services (Northern Ireland) Order 2006 confers certain functions on the Consumer Council regarding:

- the interests of consumers in relation to the supply of water to premises by water undertakers
- the provision of sewerage services by sewerage undertakers
- consumer matters, that is any matter connected with “the interests of consumers”

In considering “the interests of consumers” the Consumer Council is required to have particular regard to the interests of consumers:

- who are disabled or have long term health conditions
- who are of pensionable age
- who are on low incomes
- who live in rural areas

The legislation detailed above does not mean that regard may not be had to the interests of other descriptions of a consumer or consumer groups.

The Water and Sewerage Services (Northern Ireland) Order 2006 and NI Water's Operating Licence legislates for the Consumer Council to investigate complaints on behalf of domestic and business users, give advice on both consumer and business interests, gather and publish information, and be consulted with by NI Water and government on any matter relating to consumer affairs.

- 2.12 A list of the founding legislation and other key statutes which provide the Consumer Council with its statutory functions, duties and powers is provided in Annex 1.

### **Programme for Government**

- 2.13 The Consumer Council's statutory duties in energy, transport, water and sewerage, food accessibility and financial exclusion align with a number of priorities set out in the NI Executive's **'New Decade New Approach'** and draft **'Programme for Government Outcomes Framework'**.

2.14

- 2.15 The Consumer Council supports the ambitions of the **Economic Vision** from the Economy Minister and its supporting strategies on skills, energy, productivity, regional balance and other economy drivers. There is strategic alignment between the aims and objectives of CCNI and DfE.

The Consumer Council is fully committed to working in partnership with stakeholders and consumers to deliver the **'Northern Ireland Energy Strategy 2050'** which sets out a pathway for energy to 2030 that will mobilise the skills, technologies and behaviours needed to take to achieve the NI Executive's vision of net zero carbon and affordable energy by 2050.

### **Classification**

- 2.16 The Economy Minister is answerable to the Assembly for the overall performance and delivery of both DfE and the Consumer Council.

However, the Consumer Council is a Non Departmental Public Body which has functions under legislation which is the responsibility of a number of NI Executive and UK Government Departments. Some of the legislation deals with reserved matters and is the responsibility of the UK Government and Parliament.

- 2.17 It is important that partner organisations and departments work collaboratively and together in a joined-up approach to improve overall outcomes and results.
- 2.18 To that end there is strategic alignment between the aims, objectives and expected outcomes and results of the Consumer Council and DfE. The



Consumer Council also receives funding from:

- DfI for water and sewerage work (through a levy on NI Water)
- DfE for energy work (through a levy on NI energy consumers)
- DBT for postal services work (through a levy on postal consumers)
- HMT for work on illegal money lending (through a levy on payday lenders)

2.19 The Consumer Council undertakes its rolling annual forward work programmes, agreed through public consultation and ratified by its Board and DfE, and other partner Departments.

### 3 Organisational Status

- 3.1 The Consumer Council is a legal entity in its own right, employing its own staff and operating at arm's-length from DfE. It is a body corporate employing its own staff and operates as a Non Departmental Public Body.
- 3.2 Staff in the Consumer Council are not Civil Servants but are employed on NI Civil Service (NICS) terms and conditions including ranks, pensions and pay. Section 19 of the Interpretation Act (Northern Ireland) 1954 applies to the Consumer Council. Section 19 sets out the rights and powers vested in the Consumer Council. These include the right of the Consumer Council to regulate its own procedure and business.

### 4 Governance Framework

- 4.1 The Consumer Council has an established Corporate Governance Framework which reflects all relevant good practice guidance. The framework includes the governance structures established within the Consumer Council and the internal control and risk management arrangements in place, which includes the Board and its committee structure. DfE, and where appropriate other partner Departments, should be satisfied with the framework.
- 4.2 An account of this is included in the Consumer Council's annual Governance Statement together with the Consumer Council's Board's assessment of its compliance with the extant Corporate Governance Code of Good Practice (NI). Any departure from the Corporate Governance Code must be explained in the Governance Statement. The extant [Corporate Governance Code of Good Practice \(NI\)](#) is available on the DoF website.
- 4.3 The Consumer Council is required to follow the principles, rules, guidance and advice in '**Managing Public Money Northern Ireland**' and all other Legislative and Guidance applying to public bodies. A list of other applicable guidance and instructions which the Consumer Council is required to follow is set out in Annex 6. Good governance should also include positive stakeholder engagement, the building of positive relationships and a listening and learning culture.

### 5 Consumer Council Board

- 5.1 The Consumer Council is led by a non-executive board, members of which are appointed by the Economy Minister. The appointment process for non-executive Board members complies with the '**Code of Practice on Public Appointments for Northern Ireland**' (CPANI).
- 5.2 Under Schedule 1 to The Order, the Consumer Council Board Members are appointed by the Economy Minister. The Consumer Council Board consists of

a Chair, a Deputy Chair and not more than sixteen other Board Members. The current composition of the Consumer Council Board is a Chair, a Deputy Chair and eight other Board Members. Before making appointments of Board Members other than the Chair and Deputy Chair the Minister is required to consult such bodies as they consider to be appropriate.

## **Other**

- 5.3 As public appointees, Board Members are office holders rather than employees and are not subject to employee terms and conditions. Board appraisal arrangements are set out in paras 17.1, 17.2 and 17.4, and matters for consideration in dealing with concerns/complaints in respect of Board Members is provided in Annex 5.
- 5.4 The Consumer Council's '**Board Terms of Reference**' provides further detail on roles and responsibilities and should align closely with this Agreement.
- 5.5 The purpose of the Consumer Council Board is to provide effective leadership and strategic direction to the organisation and to ensure that the policies and priorities set by the Economy Minister and other partner Departments are implemented. It is responsible for ensuring that the organisation has effective and proportionate governance arrangements in place and an internal control framework which allow risks to be effectively identified and managed.

The Consumer Council Board will also set the culture and values of the organisation and set the tone for the organisation's engagement with stakeholders and customers.

- 5.6 The '**Code of Conduct for Board Members of Public Bodies**' from DoF in 2014 and '**Board Effectiveness - A Good Practice Guide**' from the NI Audit Office in 2022, provide further detail on roles and responsibilities and should align closely with this Agreement.
- 5.7 The Consumer Council Board is responsible for holding the Consumer Council Chief Executive to account for the management of the organisation and the delivery of agreed plans and outcomes. The Board should also however support the Consumer Council Chief Executive as appropriate in the exercise of their duties.
- 5.8 Board Members act solely in the interests of the Consumer Council and must not use the board as a platform to champion their own interests or pursue personal agendas. They occupy a position of trust, and their standards of action and behaviour must be exemplary and in line with the seven principles of public life (Nolan principles).

The Consumer Council has a Board Code of Conduct and there are mechanisms in place to deal with any Board disputes/conflicts to ensure they do not become wider issues that impact on the effectiveness of the Board.

A Board Register of Interests is maintained, kept up to date and is publicly

available to help provide transparency and promote public confidence in the Consumer Council.

- 5.9 Communication and relationships within the Board are underpinned by a spirit of trust and professional respect. The Board recognises that using consensus to avoid conflict or encouraging Board Members to consistently express similar views, or consider only a few alternative views, does not encourage constructive debate and does not give rise to an effective Board dynamic.
- 5.10 It is for the Board to decide what information it needs, and in what format, for its meetings/effective operation. If the Board is not confident that it is being fully informed about the organisation this will be addressed by the Consumer Council Chair, as the Board cannot be effective with out-of-date or only partial knowledge.
- 5.11 In order to fulfil their duties, Board Members must undertake initial training, and regular ongoing training and development. Review of Board skills and development will be a key part of the annual review of Board effectiveness.

## **6 Audit and Risk Management Committee**

- 6.1 An important aspect of the Consumer Council's governance framework is its Audit and Risk Assurance Committee (ARAC), established in line with the extant Audit and Risk Assurance Committee Handbook (NI). It is an advisory committee with no executive powers other than those delegated by the Board within its Terms of Reference and provides recommendations to Board for approval.
- 6.2 Led by the Consumer Council ARAC Chair, the role and purpose of the ARAC is to support the Accounting Officer and Board on governance issues. In line with the handbook, the ARAC focuses on:
- Assurance arrangements over governance; financial reporting; annual reports and accounts, including the Governance Statement.
  - Ensuring there is an adequate and effective risk management and assurance framework in place.
- 6.3 The Consumer Council and DfE have agreed arrangements in respect of the ARAC which may include:
- Attendance by Departmental representatives in an observer capacity at the Consumer Council's ARAC meetings.
  - Access to the Consumer Council's ARAC papers and minutes.
  - Any input required from the Consumer Council's ARAC to DfE's ARAC.
- 6.4 Full compliance with the '**Audit and Risk Assurance Committee Handbook (NI)**' is an essential requirement. In the event of significant non-compliance

with the handbook's five good practice principles (or other non-compliance) discussion will be required with DfE and a full explanation provided in the annual Governance Statement.

- 6.5 The extant '***Audit and Risk Assurance Committee Handbook (NI)***' is available on the DoF website.

## **7 Remuneration and Human Resources Committee**

- 7.1 A further important aspect of the Consumer Council's governance framework is its Remuneration and Human Resources Committee (RemCo). It is an advisory committee with no executive powers other than those delegated by the Board within its Terms of Reference and provides recommendations to Board for approval.
- 7.2 Led by the Consumer Council Chair, the RemCo is responsible for determining the Chief Executive's remuneration and agreeing annual objectives and performance reviews. It also receives assurances from the Consumer Council Chief Executive that staff remuneration is in line with NICS guidelines and advises on organisational structure, culture and recruitment.

## **8 Policy and Research Updates**

- 8.1 Another important aspect of the Consumer Council's responsibilities is its policy and research activities. The Consumer Council provides the Board with a biannual update of its work in this area, and all decisions on significant matters requiring approval by the Board.
- 8.2 These updates provide a forum for the Consumer Council to take a structured, strategic and consistent approach to policy development and its research portfolio, which in turn inform the annual business planning process.

## **9 Consumer Council Chair**

- 9.1 The Consumer Council Chair is responsible for setting the agenda and managing the Board to enable collaborative and robust discussion of issues. The Consumer Council Chair's role is to develop and motivate the Board and ensure effective relationships in order that the Board can work collaboratively to reach a consensus on decisions.

To achieve this, the Chair should ensure:

- The Board has an appropriate balance of skills appropriate to its business.
- Board Members are fully briefed on terms of appointment, duties, rights and responsibilities.
- Board Members receive and maintain appropriate training.

- The Minister is advised of the Consumer Council's needs when Board vacancies arise.
  - There is a Board Operating Framework in place setting out the roles and responsibilities of the Board in line with relevant guidance.
  - There is a code of practice for Board Members in place, consistent with relevant legislation and guidance.
- 9.2 The role requires the establishment of an effective working relationship with the Consumer Council Chief Executive that is simultaneously collaborative and challenging. It is important that the Consumer Council Chair and Chief Executive act in accordance with their distinct roles and responsibilities as laid out in '**Managing Public Money Northern Ireland**' and their appointment letters.
- 9.3 The Consumer Council Chair has a presence in the organisation and cultivates external relationships which provide useful links for the organisation, while being mindful of overstepping boundaries and becoming too involved in day-to-day operations or executive activities.

## **10 Consumer Council Chief Executive**

- 10.1 The role of the Consumer Council Chief Executive is to run the Consumer Council's business. The Chief Executive is responsible for all executive management matters affecting the organisation and for leadership of the executive management team.
- 10.2 The Consumer Council Chief Executive is designated as the Consumer Council's Accounting Officer by the Departmental Accounting Officer (see Section 13). The Accounting Officer is someone who may be called to account for the stewardship of the resources within the Consumer Council's control and ensure they are applied only to the purposes for which they were voted and more generally for efficient and economical administration. Further information on the role of Accounting Officers is set out in '**Managing Public Money Northern Ireland**'.
- 10.3 The Consumer Council Chief Executive is accountable to the Board for the organisation's performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Board and its Committees. The Consumer Council Chief Executive should maintain a dialogue with the Chair on the important strategic issues facing the organisation and for proposing Board agendas to the Chair to reflect these.
- 10.4 It is the role of the Consumer Council Chief Executive to ensure effective communication with stakeholders and communication on this to the Board. The Consumer Council Chief Executive also ensures that the Chair is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the organisation.

- 10.5 The Consumer Council Chief Executive acts as a role model to other executives by exhibiting open support for the Chair and Board Members and the contribution they make. The Consumer Council Chair and Chief Executive should agree how they will work together in practice, understanding and respecting each other's role, including the Consumer Council's Chief Executive's responsibility as Accounting Officer.
- 10.6 Further detail on the role and responsibilities of the Consumer Council's Chief Executive are as laid out in Managing Public Money NI and their Accounting Officer appointment letter.
- 10.7 The Consumer Council Chief Executive's role as Principal Officer for Ombudsman Cases is as follows:

*The Consumer Council Chief Executive is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. They shall advise the Departmental Accounting Officer of any complaints about the Consumer Council accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman.*

## ROLE OF PARTNERING DEPARTMENTS

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### 11 Partnership Working with the Consumer Council

- 11.1 The partnership between the Consumer Council and DfE, and other partner Departments, will be open, honest, constructive and based on trust.
- 11.2 In exercising its functions, the Consumer Council has absolute clarity on how its purpose and objectives align with those of DfE, and where appropriate other partner Departments. There is also a shared understanding of the risks that may impact on each other, and these are reflected in respective Risk Registers.
- 11.3 There is a regular exchange of skills and experience between DfE and the Consumer Council, and where possible joint programme/project delivery boards/arrangements. The Consumer Council may also provide advice on the impact on consumers of policy/strategy development and the implementation of policies in practice.
- 11.4 Both the Consumer Council and its partner Departments will ensure that any necessary approval by DoF is obtained before expenditure can be occurred or commitments made. The Accounting Officer of DfE has established an internal framework of delegated authority which applies to the Consumer Council. Other specific approval requirements established in respect of the Consumer Council are set out at Annex 3.
- 11.5 Once the Consumer Council's budget has been approved by the partner Departments, the Consumer Council shall have authority to incur expenditure approved in the budget without further reference to the Departments.

Inclusion of any planned and approved expenditure in the budget shall not however remove the need to seek formal Departmental approval where proposed expenditure is outside the delegated limits (as laid out in Annex 3) or is for new schemes not previously agreed. Nor does it negate the need to follow due processes laid out in guidance contained in '**Managing Public Money Northern Ireland**' and the '**Northern Ireland Guide to Expenditure Appraisal and Evaluation**'.

### 12 Lead Official

- 12.1 DfE has appointed a senior Lead Official at Grade 5 level to manage the relationship with the Consumer Council and ensure effective partnership working.
- 12.2 Engagement between DfE, and other partner Departments, and the Consumer Council will be co-ordinated, collaborative and consistent. A clear sense of collaboration and partnership will be communicated to staff in both DfE and the Consumer Council in order to promote mutual understanding and



support.

- 12.3 The senior Lead Official is the policy lead for the supervision of the Consumer Council and has a clear understanding of the Consumer Council's responsibilities and functions. They will liaise as necessary with the other partner Departments.
- 12.4 The senior Lead Official will ensure that where there are DfE staff changes, time is taken to ensure they have a full understanding of the Consumer Council's business and challenges.

### **13 Annual Engagement Plan**

- 13.1 DfE and the Consumer Council will agree an engagement plan before the start of each business year. The Annual Engagement Plan (Annex 2) will set out the timing and nature of engagement between the Consumer Council and DfE. The engagement plan will be specific to the Consumer Council and should not stray into operational oversight.
- 13.2 Engagement between the DfE Lead Official and/or their teams and the Consumer Council will be centred on partnership working, understanding of shared risks and working together on business developments that align with policy objectives. The DfE lead official will involve the other partner Departments in relevant areas of work.
- 13.3 In line with relevant guidance issued by The Executive Office (TEO) on the NICS Work Programme, which includes guidance on business planning for an outcome based PfG and outcomes delivery plan, the Consumer Council will work in collaboration and partnership with DfE to prepare corporate and business plans.

There should be good high level strategic alignment between DfE and the Consumer Council plans. Once approved, it will be the Consumer Council Board that primarily holds the Consumer Council Chief Executive to account for delivery and performance. DfE will engage with the Consumer Council on areas of strategic interest, linking Departmental policy and the Consumer Council delivery of policy intent. The Consumer Council will make similar arrangements with other partner Departments regarding their areas of work. The Consumer Council will inform the DfE Lead Official of any developments.

- 13.4 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year. The aim will be to ensure clear understanding of why information is necessary and how it will be used. Where the same, or similar information is required for internal governance information, requirements will be aligned so that a single report can be used for both purposes.

In addition, the engagement plan should consider opportunities for learning and development, growth and actions which could help achieve better outcomes.

## **14 Departmental Accounting Officer**

14.1 Accounting Officers of partner Departments are accountable to the NI Assembly (and where appropriate to Parliament) for the issue of grant in aid to the Consumer Council. The respective responsibilities of the NI Departmental Accounting Officer and the Consumer Council Accounting Officer are set out in Chapter 3 of '**Managing Public Money Northern Ireland**'.

14.2 The Departmental Accounting Officer may withdraw the Consumer Council's Accounting Officer designation if they conclude that the Consumer Council Accounting Officer is no longer a fit person to carry out the responsibilities of an Accounting Officer or that it is otherwise in the public interest that the designation be withdrawn. In such circumstances, the Consumer Council Board will be given a full account of the reasons for withdrawal and a chance to make representations.

Withdrawal of the Consumer Council Accounting Officer status would bring into question employment as Consumer Council Chief Executive, and the Chair should engage with the Department should such circumstances arise.

14.3 As outlined in Section 9, the Consumer Council Chief Executive is accountable to the Consumer Council Board for their stewardship of the organisation. This includes advising the Board on matters of financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.

14.4 The Departmental Accounting Officer must be informed in the event that the judgement of the Consumer Council Accounting Officer (on matters for which they are responsible) is over-ridden by the Consumer Council Board. The Consumer Council Accounting Officer must also act if the Consumer Council Board is contemplating a course that would infringe the requirement for financial propriety, regularity, prudent and economical administration, efficiency or effectiveness.

In all other regards, the Departmental Accounting Officer has no day-to-day involvement with the Consumer Council or its Chief Executive.

14.5 In line with DoF requirements, the Consumer Council Accounting Officer will provide biannual declaration of fitness to act as Accounting Officer to the Departmental Accounting Officer, and this will be included as part of existing stewardship reporting arrangements discussed at the Oversight and Liaison (O&L) meeting.

## **15 Attendance at Public Accounts Committee**

15.1 The Consumer Council Chief Executive/Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Accounting Officer (as laid out in their Accounting Officer appointment letter) on issues arising from Comptroller

& Auditor General (C&AG) studies or reports following the annual audit of accounts.

- 15.2 The Consumer Council Chair may also, on occasion, be called to give evidence to the Public Accounts Committee on such relevant issues arising within the C&AG's studies or reports, in relation to the role and actions taken by the Board, where appropriate.
- 15.3 In addition, the DfE Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Departmental Accounting Officer with overarching responsibility for the Consumer Council.

In such circumstances, the Departmental Accounting Officer may therefore expect to be questioned on their responsibilities to ensure that:

- There is a clear strategic control framework for the Consumer Council.
- Sufficient and appropriate management and financial controls are in place to safeguard public funds.
- The nominated Accounting Officer is fit to discharge their responsibilities.
- There are suitable internal audit arrangements.
- Accounts are prepared in accordance with the relevant legislation and any accounting direction.
- Where intervention is made, where necessary, in situations where the Consumer Council Accounting Officer's advice on transactions in relation to regularity, propriety or value for money is overruled by the Consumer Council Board or its Chair.

### **16 Autonomy and Proportionality**

- 16.1 DfE and other partner Departments will ensure that the Consumer Council has the autonomy to deliver effectively, recognising its status as a separate legal entity which has its own Board and governance arrangements. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance established between the Consumer Council and DfE (and other partnering Departments), and is reflected in this Agreement.
- 16.2 A proportionate approach to assurance will be taken based on the Consumer Council's overall purpose, business and budget and a mutual understanding of risk. The approach will include an agreed process through which the Consumer Council Accounting Officer provides written assurance to DfE (and other partner Departments) that the public funds and organisational assets for which they are personally responsible are safeguarded, have been managed with propriety and regularity, and use of public funds represents value for money.
- 16.3 Recognising the governance arrangements in place within the organisation, the Consumer Council Accounting Officer will arrange for their written assurance to the DfE Permanent Secretary to be approved by DfE Partner Branch and discussed at the Consumer Council ARAC, prior to being submitted to DfE. If practicable, the Consumer Council Chair should have sight of the assurance statement.
- 16.4 In addition to the Consumer Council Accounting Officer's written assurance, DfE will take assurance from the following key aspects of the Consumer Council's own governance framework:
- Annual review of Board effectiveness.
  - Completion of Board Appraisals which confirm Board member effectiveness.
  - Internal Audit assurance and External Quality Assessment of Internal Audit function.
  - Externally audited Annual Report and Accounts, reviewed/considered by the Consumer Council's ARAC.

### **17 Board Effectiveness**

- 17.1 The Consumer Council Chair will ensure that the Board undertakes an annual review of Board Effectiveness<sup>2</sup> which encompasses committees established

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<sup>2</sup> In line with the [NIAO Good Practice Guide on Board Effectiveness](#)

by the Board.

- 17.2 The Chair will discuss the outcome of the annual review of Board Effectiveness with the DfE Grade 5 Lead Official to ensure a partnership approach to any improvements identified. This will inform the annual programme of Board training/development and discussions in respect of Board composition and succession.
- 17.3 In line with any parameters set out in founding (or other) legislation, the Consumer Council Chair in conjunction with DfE, and other partner Departments (and Ministers where appropriate), will consider the size and composition of the Consumer Council Board, proportionate to the size and complexity of the Consumer Council, and keep this under review.
- 17.4 In addition to the annual review of Board Effectiveness, the Consumer Council will undertake an externally facilitated review of Board effectiveness at least once every three years covering the performance of the Board, its committees and individual Board Members. The Consumer Council Chair will liaise with DfE to identify a suitably skilled facilitator for the external review (this can be a peer review and should be proportionate) and will share the findings/outcome report with DfE on completion of the review.

## **18 Board Appraisals**

- 18.1 The Consumer Council Chair will conduct an annual appraisal in respect of each Board member which will also inform the annual programme of Board training/development. The Chair will engage with the Consumer Council Chief Executive and/or DfE Grade 5 Lead Official as appropriate on improvements identified through the appraisal process and the annual training/development programme.
- 18.2 The Chair's annual appraisal will be completed by the DfE Grade 5 Lead Official. The appraisal will take account of the key characteristics of a good chairperson (particularly for the Chair to have well developed interpersonal skills) set out in the NIAO Good Practice Guide on Board Effectiveness. There will be close engagement between the Chair and the Lead Official on improvements identified through the appraisal process.

## **19 Internal Audit Assurance**

- 19.1 The Consumer Council is required to establish and maintain arrangements for an internal audit function that operates in accordance with the Public Sector Internal Audit Standards (PSIAS). DfE must be satisfied with the competence and qualifications of the Head of Internal Audit and that the requirements for approving appointments are in accordance with PSIAS.
- 19.2 The Consumer Council will provide its internal audit strategy, periodic audit plans and annual audit report, including the Head of Internal Audit's opinion on risk management, control and governance to DfE. The Consumer Council will ensure DfE's internal audit team has complete right of access to all

relevant records. This applies whether the internal audit function is provided in-house or is contracted out.

- 19.3 The Consumer Council will ensure regular, periodic self-assessments of the internal audit function in line with PSIAS and will share these with DfE. The Consumer Council will also liaise with DfE on the External Quality Assessment (EQA) of the internal audit function which (in line with PSIAS) is required to be conducted at least once every five years by a qualified independent assessor.
- 19.4 The Consumer Council will alert DfE to any less than satisfactory audit reports at the earliest opportunity on an ongoing basis. The Consumer Council will also alert DfE (and where appropriate other partnering Departments) to a less than satisfactory annual opinion from the Head of Internal Audit at the earliest opportunity. The Consumer Council and DfE will then engage closely on actions required to address the less than satisfactory opinion in order to move the Consumer Council to a satisfactory position as soon as possible.
- 19.5 DfE will take assurance from the fact that the Consumer Council has met the requirements of PSIAS and has a satisfactory annual opinion from the Head of Internal Audit as part of its overall assurance assessment.

## **20 Externally Audited Annual Report and Accounts**

- 20.1 The Consumer Council is required to prepare an Annual Report and Accounts in line with the Government Financial Reporting Manual (FReM) issued by DoF and the specific Accounts Direction issued by DfE, and in accordance with the deadlines specified.
- 20.2 The C&AG will audit the Consumer Council's annual accounts and will issue an independent opinion on the accounts. The C&AG passes the accounts to DfE who shall lay them before the NI Assembly together with the Consumer Council Annual Report.
- 20.3 As set out in section 2.11.6, the Consumer Council has certain functions in relation to postal services carried out under UK legislation and partnered by DBT. Postal services are a reserved matter. Under paragraph 12 of the Order, the Consumer Council will send the Annual Report and Accounts to both the Economy Minister and the DBT Secretary of State. The DBT Secretary of State is required to lay a copy of the Report and Accounts before Parliament.
- 20.4 The C&AG will also provide a Report to Those Charged with Governance (RTTCWG) to the Consumer Council, which will be shared with DfE.
- 20.5 The Consumer Council will alert DfE to any likely qualification of the accounts at the earliest opportunity. In the event of a qualified audit opinion or significant issues reported in the RTTCWG, DfE will engage with the Consumer Council on actions required to address the qualification/significant issues.

- 20.6 DfE will take assurance from the external audit process and an unqualified position as part of its overall assurance assessment.
- 20.7 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the Consumer Council has used its resources in discharging its functions. The C&AG may also carry out thematic examinations that encompass the functions of the Consumer Council.
- 20.8 For the purpose of audit and any other examinations, the C&AG has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.
- 20.9 Where making payment of a grant, or drawing up a contract, the Consumer Council should ensure that it includes a clause which makes the grant or contract conditional upon the recipient or contractor providing access to the C&AG in relation to documents relevant to the transaction. Where subcontractors are likely to be involved, it should also be made clear that the requirements extend to them.

## SIGNATORIES

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### 21 Signatories

The Consumer Council and DfE agree to work in partnership with each other in line with the NI Code of Good Practice '**Partnerships between Departments and Arm's Length Bodies**' and the arrangements set out in this Agreement.

Signed (Consumer Council Chair) - Clare Bailey
Date: 10 September 2024

Signed (Consumer Council Chief Executive) - Noyona Chunder
Date: 10 September 2024

Signed (Department Partner Team Senior Lead Official) - Maeve Hamilton
Date: 17 September 2024



### **Annex 1: Applicable Legislation**

A list of the founding legislation and other pieces of legislation which provide the Consumer Council with its statutory functions, duties and powers is detailed below.

#### **Founding**

- The General Consumer Council (Northern Ireland) Order 1984
- Section 75 of the Northern Ireland Act 1998
- Rural Needs Act 2016

#### **Super-complaints**

- The Enterprise Act 2002 (Bodies Designated to make Super-complaints) (Amendment) Order 2005 and 2009
- The Enterprise Act 2002 (Super-complaints to Regulators) Order 2003
- Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015

#### **Energy**

- Energy (Northern Ireland) Order 2003
- Electricity (Northern Ireland) Order 1992
- Gas (Northern Ireland) Order 1996
- Energy Act (Northern Ireland) 2011
- Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015
- Electricity Supply Licences
- Electricity Distribution Licence (Northern Ireland Electricity Networks)
- Electricity Transmission Licence (Northern Ireland Electricity Networks)
- Electricity Generation Licence
- Electricity Storage Generation Licence
- Electricity Storage Supply
- Gas Supply Licences
- Gas Distribution Licences
- Gas Transmission Licence
- Gas Storage Licence

In September 1995, following Ministerial direction from the then President of the Board of Trade, the Consumer Council took the role of promoting and safeguarding the interests of domestic coal consumers in Northern Ireland, including the functions of the Coal Ombudsman.

#### **Financial Services**

- Financial Services (Banking Reform) Act 2013
- Part 20B of The Bank of England and Financial Services Act 2016
- Financial Services and Markets Act 2000

- The Financial Services Act 2012

### **Postal Services**

- Postal Service Act 2011
- The Postal Services (Universal Postal Services) Order 2012
- The Public Bodies Order (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc.) 2014
- Consumers, Estate Agents and Redress Act 2007 (as amended by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc.) Order 2014
- Royal Mail Operating Licence

### **Transport**

- Memorandum of Understanding with Department for Infrastructure
- Transport Act (Northern Ireland) 1967 (as amended by The General Consumer Council (Northern Ireland) Order 1984)
- The Transport Act 2011
- The Airports (Northern Ireland) Order 1994
- Taxis Act (Northern Ireland) 2008
- Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014.
- The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017
- EU Regulation 1107/2006, (rights of disabled passengers)
- EC 261/2004 (cancelled or delayed flights)
- EU Regulation EC 1177/2010 (maritime passenger rights), which have been transposed into UK law.

### **Water**

- Water and Sewerage Services (Northern Ireland) Order 2006
- NI Water's Operating Licence

### **Relevant Articles of the NI Protocol**

- Article 4: Customs territory of the UK
- Article 5: Customs, movement of goods
- Article 6: Protection of the UK internal market
- Article 9: Single electricity market
- Article 11: Other areas of North-South cooperation

### **The Windsor Framework**

- New structures for UK-EU cooperation and civic stakeholder engagement

## Annex 2: Annual Engagement Plan

Good engagement is one of the key principles in the NI Code of Good Practice, underpinning the other principles of: leadership, purpose, assurance and value.

As laid out in the Code, partnerships work well when relationships between DfE and the Consumer Council are open, transparent, honest, constructive and based on trust, and when there is mutual understanding of each other's objectives and clear expectations about the terms of engagement.

The template outlines the key areas of engagement between DfE and the Consumer Council, and other partner Departments, DfI, HMT and DBT. The template is not intended to be prescriptive and should be completed collaboratively and agreed between DfE and the Consumer Council.

<b>Engagement Plan 2024-2025</b>		
<b>Policy Development and Delivery</b>		
<i>Add details of the planned engagement between the Consumer Council, DfE and other partner Departments, in relation to development and monitoring of existing and new areas of policy.</i>		
<b>Policy Area</b>	<b>Frequency/Timing</b>	<b>Lead Department/ALB Officials</b>
General consumer policy, policy issues related to funding from DfI, HMT and DBT, and emerging issues.	Quarterly	<u>DfE</u> Partner Branch Grade 5  <u>Consumer Council</u> Chief Executive
Energy	Bi-monthly	<u>DfE</u> Energy Branch policy leads  <u>Consumer Council</u> Director of Infrastructure & Sustainability Energy policy leads
Transport	Bi-monthly	<u>DfI</u> Public Transport Operations Translink leads  <u>Consumer Council</u> Director of Infrastructure &

		Sustainability Transport policy leads
Water	Quarterly	<u>DfI</u> Water and Drainage Policy Division Branch leads NI Water leads  <u>Consumer Council</u> Director of Infrastructure & Sustainability Water policy leads
Financial Services	Quarterly	<u>HMT</u> Financial Services Group leads  <u>Consumer Council</u> Director of Financial & Postal Services Financial services policy leads
Postal Services	Quarterly	<u>DBT</u> Postal Services Group leads Universal Postal Service Provider (Royal Mail) leads  <u>Consumer Council</u> Director of Financial & Postal Services Postal services policy leads
EU Exit	Quarterly	<u>DfE</u> EU Exit Grade 5 GB & EU Trade policy leads  <u>Consumer Council</u> Director of Strategy & Emerging Markets Strategy & Emerging Markets policy leads

Strategic Planning		
Activity	Date	Lead Department/ALB Officials
<p>Engagement on the draft Forward Work Programme and identification of areas of strategic interest to the DfE, to inform further scheduled engagement during the year.</p> <p>This also serves to inform DfE of the Consumer Council's projects related to sources of funding from other partner Departments.</p>	<p>March</p> <p>In advance to finalising the development of the Forward Work Programme for the year ahead, prior to or parallel to the public consultation.</p>	<p><u>DfE</u> Partner Branch Grade 5 Partner Branch Grade 7</p> <p><u>Consumer Council</u> Chair and Board Chief Executive Senior Leadership Team</p> <p>Risk identification discussed with DfE Partner Branch Grade 5 at March and September O&amp;L meetings.</p>
<p>Submission and presentation of the Consumer Council Forward Work Programme</p>	<p>March (at O&amp;L meeting)</p>	<p><u>DfE</u> Partner Branch Grade 5</p> <p><u>Consumer Council</u> Chief Executive</p>
<p>Approval of Consumer Council Forward Work Programme</p>	<p>April</p>	<p><u>DfE</u> Partner Branch Grade 5 Partner Branch Grade 7</p> <p><u>Consumer Council</u> Chief Executive</p>
<p>Engagement on areas of strategic interest within the Consumer Council's Forward Work Programme during the year</p>	<p>Rolling annual meeting schedule</p>	<p><u>DfE</u> Partner Branch officials Policy leads</p> <p><u>Partner Departments</u> Lead officials Policy leads</p> <p><u>Consumer Council</u> Chief Executive Senior Leadership Team Policy leads</p>

Financial Services	Quarterly and biannual	<u>HMT</u> Financial Services Group leads  <u>Consumer Council</u> Director of Financial & Postal Services Financial services policy leads
Postal Services	Quarterly and annual	<u>DBT</u> Postal Services Group leads  <u>Consumer Council</u> Director of Financial & Postal Services Postal services policy leads
Annual review of Postal Services Forward Work Programme	Annual	<u>DBT</u> Postal Services Group leads  <u>Consumer Council</u> Director of Financial & Postal Services Postal services policy leads

**Joint Working**  
*Add details of any interchange opportunities, and/or joint programme/project delivery boards. This gives an indication of some of the joint working the Consumer Council undertakes with DfE, other partner Departments and stakeholders, and is not an exhaustive list.*

<b>Activity</b>	<b>Frequency/Timing</b>	<b>Lead Department/ALB Officials</b>
Energy Strategy Oversight Group	Quarterly	<u>DfE</u> Energy Group Deputy Secretary Partner Branch Deputy Secretary Cross-Departmental representation Energy Group policy leads Utility Regulator  <u>Consumer Council</u> Chief Executive
Energy Strategy Programme Checkpoint Meetings	Quarterly	<u>DfE</u> Energy Group G5 Energy Group policy leads  <u>Consumer Council</u> Director of Infrastructure &

		Sustainability Energy policy leads, as required
Fuel Poverty Strategy Programme Board	Quarterly	<u>DfC</u> Housing and Sustainability G5 Cross-Departmental representation Policy leads  <u>Consumer Council</u> Chief Executive
Fuel Poverty Strategy Reference Panel	Quarterly	<u>DfC</u> Housing and Sustainability G5 Cross-Departmental representation Third sector stakeholders Utility Regulator Policy leads  <u>Consumer Council</u> Consumer Vulnerability Lead as Chair of Consumer Protection Advisory Group
Responsible Lending Forum (Financial Services)	Three times a year	<u>Consumer Council</u> Director of Financial and Postal Services (Chair) Financial services policy leads  <u>Participants</u> DfE policy leads DfC policy leads Money and Pensions Service (MaPS) Representatives from the finance industry, advice sector, housing providers, and credit unions.
North South Consumer Organisations Working Group	Biannual	<u>Consumer Council</u> Head of Food Policy & Emerging Markets (Chair) Director of Strategy & Emerging Markets Policy leads  Attended by DfE Partner Branch Grade 7, Trading Standards Service

		NI (TSSNI), CMA, Advertising Standards Authority (ASA), Competition and Consumer Protection Commission (CCPC) and the Irish Department of Enterprise, Trade and Employment.
Consumer Protection Partnership (CPP) Intelligence, Communications and Strategic Groups	Bimonthly and quarterly	<p>Strategic Group: Rotating Chair led by DBT Director General</p> <p>Attended by DfE Partner Branch Grade 5, Consumer Council Chief Executive, and representatives from UK and NI consumer bodies, regulators and government.</p> <p>Intelligence and Communications Group: Chaired by Citizens Advice</p> <p>Attended by Consumer Council Director of Consumer Empowerment and Consumer Council policy leads, and representatives from UK and NI consumer bodies, regulators and government.</p>
NI Utility and Transport Service Providers	Biannual and quarterly	<p><u>Consumer Council</u> Consumer Empowerment investigations and policy leads</p> <p>Attended by regulated service providers in energy, water and transport.</p>
DfI EV Taskforce	Quarterly	<p><u>DfI</u> DfI Transport Policy Division G7 Cross-Departmental representation</p> <p><u>Consumer Council</u> Transport policy leads</p> <p><u>Other participants</u> Industry representatives</p>



Postal Services	Monthly	<u>Consumer Council</u> Policy leads  <u>Participants</u> Designated statutory postal consumer bodies and regulators.
Helplines NI and NI Direct	Quarterly	<u>Consumer Council</u> Director of Consumer Empowerment Policy leads  <u>Participants</u> Helplines NI members NI Direct
Regulated Industries Bilateral Meetings and Working Groups (on regulated industries, fuel poverty and consumer vulnerability)	Monthly and Quarterly	<u>Consumer Council</u> Director of Infrastructure & Sustainability Energy policy leads Transport policy leads Water policy leads  <u>Participants</u> Industry Utility Regulator Third sector stakeholders
Various Utility Regulator led working groups including those related to the Utility Regulator Consumer Protection Programme	Ad hoc	<u>Consumer Council</u> Director of Infrastructure & Sustainability Energy policy leads Transport policy leads Water policy leads  <u>Participants</u> Industry Third sector stakeholders
Scamwise NI and Digital Assist	Monthly and Quarterly	<u>Consumer Council</u> Consumer Empowerment policy leads  <u>Participants</u> Scamwise Partnership members

Office for National Statistics (ONS)	Monthly	<u>DfE</u> Analytical Services G5 NISRA Grade 5  <u>Consumer Council</u> Director of Strategy & Emerging Markets
DAERA	Ad hoc	<u>Consumer Council</u> Director of Strategy & Emerging Markets Head of Food Policy & Emerging Markets
Department of Health	Ad hoc	<u>Consumer Council</u> Director of Strategy & Emerging Markets Head of Food Policy & Emerging Markets
Food Standards Agency	Biannual	<u>Consumer Council</u> Director of Strategy & Emerging Markets Head of Food Policy & Emerging Markets
Office for Product Safety and Standards (OPSS) and OPSS Consumer Reference Panel	Quarterly	<u>Consumer Council</u> Director of Strategy & Emerging Markets
All Island Food Poverty Network	Bi-annual	<u>Consumer Council</u> Head of Food Policy & Emerging Markets
BEUC (European Consumer Group)	Ad hoc	<u>Consumer Council</u> Director of Strategy & Emerging Markets Policy leads as required

Financial Conduct Authority (FCA)	Quarterly	<u>FCA</u> NI Representative Consumer Division policy leads  <u>Consumer Council</u> Director of Financial & Postal Services Financial services policy leads
Ofcom	Ad hoc	<u>Ofcom</u> Consumer policy leads  <u>Consumer Council</u> Director of Strategy & Emerging Markets Policy leads
Ofcom Advisory Committee	Ad hoc	<u>Consumer Council</u> Director of Strategy & Emerging Markets Postal services policy leads
BSI Consumer Forum Council	Quarterly	Attended by Consumer Council Director of Strategy & Emerging Markets
Competition and Markets Authority	Bimonthly	<u>CMA</u> NI representative Policy leads as appropriate  <u>Consumer Council</u> Director of Strategy & Emerging Markets
NI EU-UK Civic Working Group (Formerly NICWGP)	Ad hoc	<u>Consumer Council</u> Director of Strategy & Emerging Markets
Windsor Framework Implementation Delegation	Quarterly	<u>Consumer Council</u> Director of Strategy & Emerging Markets as part of 10-organisation delegation

<b>Board Appointments</b>		
<i>Add details of any engagement related to Public Appointment exercises</i>		
<b>Activity</b>	<b>Date</b>	<b>Lead Department/ALB Officials</b>
None at this time	N/A	N/A
<b>Chief Executive Recruitment</b>		
<i>Add details of any engagement related to the recruitment of a new Chief Executive (if anticipated during the year ahead). The Consumer Council should engage with DfE at an early stage in the event of the recruitment of a new Chief Executive. While recognising the role of the Board as employer, DfE will work closely with the Consumer Council in the recruitment and selection process in line with extant guidance.</i>		
<b>Activity</b>	<b>Date</b>	<b>Lead Department/ALB Officials</b>
None at this time	N/A	N/A
<b>Assurances</b>		
<i>Add details of the timetable for submission of key assurance sources and any other assurance related activity</i>		
<b>Action</b>	<b>Date</b>	<b>Lead Departmental/The Consumer Council Officials</b>
O&L Meetings  O&L meetings are planned and scheduled by DfE Partner Branch and are held in-person at Adelaide House or Seatem House	March and September	<u>DfE</u> Partner Branch Grade 5 DfE Partner Branch Grade 7  <u>Consumer Council</u> Chief Executive Director of Corporate Services  DfE Partner Branch is responsible for preparing and distributing the relevant papers in advance of the meeting, with inputs from the Consumer Council.
Outcome of the review of Board effectiveness	August/September  Externally facilitated review at least once every three years.	Department will be informed at O&L meetings where appropriate.
Planning for the externally facilitated review of Board Effectiveness	Externally facilitated review at least once every three years.	Department will be informed at O&L meetings where appropriate.

<p>Board Appraisals and planned training/development for Board Members</p>	<p>April to June</p> <p>Induction of new Board Members will take place within the first quarter of them taking up post.</p>	<p><u>Consumer Council</u> Chair Deputy Chair Board Members</p> <p>The Department will be informed at O&amp;L meetings where appropriate, including necessary training and development identified as part of action plan of the review of Board effectiveness.</p>
<p>Chair Appraisal</p>	<p>June</p> <p>Following the end of the financial year, after Board appraisals have been completed by the Consumer Council Chair.</p>	<p><u>DfE</u> Partner Branch Grade 5 DfE Partner Branch Grade 7</p> <p><u>Consumer Council</u> Chair</p>
<p>Departmental attendance at ARAC</p>	<p>January, April, June and October</p>	<p><u>DfE</u> Partner Branch Grade 7 Partner Branch Divisional Accountant Internal Audit</p> <p>The Consumer Council is responsible for preparing and distributing the relevant papers in advance of the meeting.</p>
<p>Assurance Statement</p>	<p>End April and end October</p>	<p><u>DfE</u> Partner Branch Grade 5 Partner Branch Grade 7</p> <p><u>Consumer Council</u> Chief Executive</p>
<p>Draft Governance Statement</p>	<p>Following completion of Annual Report and Accounts in June/July</p>	<p><u>Consumer Council</u> Chief Executive</p>

Annual Report and Accounts	June/July	<u>DfE</u> Partner Branch Divisional Accountant  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Report to those Charged with Governance	June/July	<u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Engagement on other planned NIAO reports	N/A	N/A
Head of Internal Audit Annual Report/Opinion	Quarter 1	<u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Internal Audit Strategy and Plans	Quarter 1	<u>Consumer Council</u> Chief Executive Senior Management Team  Directorate Risk Registers, alongside the Corporate Risk Register Dashboard, describe risks and how they are being managed, and are used to review and report the risk profile to ARAC.
Internal Audit External Quality Assessment	To be conducted at least once every five years	<u>DfE</u> Partner Branch Grade 7 Partner Branch Divisional Accountant Internal Audit  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance

**Budget Management**  
*Add details of the information and returns to be provided.*

<b>Item and Purpose</b>	<b>Date</b>	<b>Lead Department/ALB Officials</b>
Engagement on budget requirements and forecast expenditure for financial year	Quarter 1	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Departmental approval of the annual budget	Quarter 1	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Financial Management Returns	Monthly	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Cash Forecast	Monthly	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
Round Returns	Monthly	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance

Provisional Outturn	March	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services
Final Outturn	May (following annual audit with NIAO)	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services Head of Finance and Governance
<b>Other</b> <i>Tailor as required to reflect the specific requirements</i>		
<b>Item and Purpose</b>	<b>Submission Date</b>	<b>Lead Department/ALB Officials</b>
Accounting Officer - Fitness to Act as Accounting Officer	Periodic request	Departmental Accounting Officer and Consumer Council Chief Executive
Fraud Reporting	The Consumer Council will report these to DfE Partner Branch and Fraud & Raising Concerns Unit immediately after fraud is reported.	Department will report frauds immediately to DoF and C&AG.
Fraud Reporting	As per DfE Fraud & Raising Concerns Unit, this is reported by the Unit on behalf of the Consumer Council and will take account of all frauds reported by the organisation throughout the year. Annual fraud return commissioned by DoF on fraud and theft suffered by the Consumer Council.	DfE Fraud & Raising Concerns Unit



Media management protocols - independence of the Consumer Council to engage with media and/or announcements of corporate and policy communications significant to the Consumer Council - arrangements to share press releases where relevant to ensure no surprises.	The Consumer Council has independent engagement with media but will provide press releases in advance of publication.	<u>Consumer Council</u> Director of Consumer Empowerment
Whistleblowing Cases / Speaking Up / Raising Concerns	Reported to DfE Partner Branch and Fraud & Raising Concerns Unit as cases are reported to the Consumer Council.	<u>DfE</u> Partner Branch  <u>Consumer Council</u> Chief Executive Director of Corporate Services

**Review of the Partnership Arrangement**  
*Tailor as required to reflect the specific requirements*

<b>Item and Purpose</b>	<b>Date</b>	<b>Lead Department/ALB Officials</b>
Light touch review of the Partnership Agreement	Quarter 1.  Schedule follows the end of the financial year.	<u>DfE</u> Partner Branch Grade 5 DfE Partner Branch Grade 7  <u>Consumer Council</u> Chair Chief Executive Director of Corporate Services
Formal review of the Partnership Agreement	To be conducted once every three years.  The next formal review will be in 2027.	<u>DfE</u> Partner Branch Grade 5 DfE Partner Branch Grade 7  <u>Consumer Council</u> Chair and Board Chief Executive Director of Corporate Services

### Annex 3: Delegated Authorities

The Consumer Council shall obtain DfE’s prior written approval before:

- Entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the Consumer Council’s annual budget as approved by DfE.
- Incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications.
- Making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by DfE.
- Making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required.
- Carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money NI.

The Consumer Council shall observe the procurement control limits as set out in Procurement Guidance Note [PPN 04 21 Procurement Control Limits pdf \(3 May 2022\).PDF \(finance-ni.gov.uk\)](#)

The principles of economic appraisal should be applied in all cases where expenditure is proposed, whether the proposal involves capital or current expenditure, or both. The principles of appraisal should be applied with appropriate and proportionate effort.

### Consumer Council Specific Delegated Authorities

#### Capital Projects

The Consumer Council Chief Executive may authorise capital expenditure on discrete capital projects of up to £250,000.

THRESHOLDS (All costs exclude VAT)	AUTHORISATION
Up to £250K	Consumer Council Chief Executive
£250K to £500K	Consumer Council Chief Executive and with prior approval from DfE Partner Team via email authorisation

£500K to £2M	Consumer Council Chief Executive and with prior approval from DfE and DoF
Projects over £2M	Consumer Council Chief Executive and with prior approval from DfE, DoF and the Economy Minister

These delegations shall not be altered without the prior agreement of DfE, and where applicable, DoF.

### IT Projects

The appraisal of Information Technology (IT) projects should include the staffing and other resource implications.

The Consumer Council Chief Executive may authorise IT project spend on discrete IT projects of up to £50,000.

<b>THRESHOLDS (All costs exclude VAT)</b>	<b>AUTHORISATION</b>
Up to £250K	Consumer Council Chief Executive
£250K to £500K	Consumer Council Chief Executive and with prior approval from DfE Partner Team via email authorisation
£500K to £2M	Consumer Council Chief Executive and with prior approval from DfE and DoF
Projects over £2M	Consumer Council Chief Executive and with prior approval from DfE, DoF and the Economy Minister

These delegations shall not be altered without the prior agreement of DfE, and where applicable, DoF.

### Delegated Authority for Non-Consultancy Expenditure (excludes VAT)

<b>THRESHOLDS</b>	<b>AUTHORISATION 1</b>	<b>AUTHORISATION 2</b>
Up to £500	Consumer Council Staff Officer	Not Required
>£500 to £5,000	Consumer Council Deputy Principal	Not Required

> £5,000 to £10,000	Consumer Council Deputy Principal	Consumer Council Grade 7
> £10,000 to £30,000	Consumer Council Grade 7	Consumer Council Chief Executive
> £30,000 < EU Thresholds  EU Threshold is £139,688 (from 1 Jan 2024)	Consumer Council Grade 7	Consumer Council Chief Executive
Above EU Threshold  EU Threshold is £139,688 (from 1 Jan 2024)	Consumer Council Chief Executive	DfE Partner Team via email authorisation

These delegations shall not be altered without the prior agreement of DfE, and where applicable, DoF.

### **Engagement of Consultants**

The Consumer Council has authority to appoint consultants for a single contract without recourse to DfE up to a total cost of £10,000 excluding VAT, and subject to any guidance issued by DoF or DfE.

A full business case should be prepared for all consultancy assignments expected to exceed £10,000. A proportionate business case should be prepared for all assignments below this threshold.

<b>THRESHOLDS (All costs exclude VAT)</b>	<b>AUTHORISATION 1</b>	<b>AUTHORISATION 2</b>
Up to £10,000	Consumer Council Chief Executive	Not Required
>£10,000 to £75,000	Consumer Council Chief Executive	DfE Partner Team via email authorisation
>£75,000	Consumer Council Chief Executive	DfE Partner Team via email authorisation

These delegations shall not be altered without the prior agreement of DfE, and where applicable, DoF.

**Delegated Authority for the Purchase of Goods, Services and Works (All costs exclude VAT)**

<b>THRESHOLDS</b>	<b>NUMBER/TYPE OF TENDER REQUIRED</b>	<b>AUTHORISATION 1</b>	<b>AUTHORISATION 2</b>
Up to £500	No quotes.	Consumer Council Staff Officer	Not Required
>£500 to £5,000	Seek a minimum of three quotations (e-mail confirmation must be obtained)  In-House Tender not required.	Consumer Council Deputy Principal	Not Required
> £5,000 to £10,000	Seek a minimum of two tenders*  In-House Tender required via eTendersNI	Consumer Council Deputy Principal	Consumer Council Grade 7
> £10,000 to £30,000	Seek a minimum of two tenders*  In-House Tender required via eTendersNI	Consumer Council Grade 7	Consumer Council Chief Executive
> £30,000 < EU Thresholds  EU Threshold is £139,688 (from 1 Jan 2024)	Publicly advertised tender competition (through CPD)	Consumer Council Grade 7	Consumer Council Chief Executive
Above EU Threshold  EU Threshold is £139,688 (from 1 Jan 2024)	Publicly advertised tender competition (through CPD)	Consumer Council Chief Executive	DfE Partner Team via email authorisation

*\*Where one of the suppliers invited to tender was the previously contracted supplier for goods/services/works, a third supplier should be invited to tender (if possible).*

These delegations shall not be altered without the prior agreement of DfE, and where applicable, DoF.

## **Licence and Rental Agreements**

The Consumer Council shall consult DfE at the earliest opportunity prior to negotiating a licence or rental agreement and shall seek the approval of the Department's Accounting Officer prior to completing a licence agreement.

## **Losses and Special Payments**

The Consumer Council Chief Executive, with prior approval from DfE, will have the authority to write off losses and make special payments up to £3,000 in the categories specified below, subject to an aggregate of £10,000 in any financial year.

- (a) Cash losses.
- (b) Stores/Equipment losses.
- (c) Constructive losses and fruitless payments.
- (d) Compensation payments
  - i. Made under legal obligation, for example, by Court Order plus reasonable expenses. Departmental approval is required in respect of amounts above this amount and DoF approval is required if the amount exceeds £10,000.
  - ii. For damage to personal property of staff.
- (e) Claims abandoned or waiver of claim. Departmental approval is required in respect of amounts above this amount and DoF approval is required if the amount exceeds £100,000.
- (f) Extra contractual payments. Departmental approval is required in respect of amounts above this amount and DoF approval is required if the amount exceeds £100,000.
- (g) Ex gratia payments (pension payments are not covered by this threshold). Departmental approval is required in respect of amounts above this amount and DoF approval is required if the amount exceeds £100,000.

The Consumer Council Chief Executive, with prior approval from DfE, will have the authority to make compensation payments of up to £50,000 where written legal advice is that the Consumer Council should not fight a court action because it is unlikely that it would win. DoF approval in writing is required where the loss exceeds £100,000.

Prior approval from DfE must be obtained for amounts above these values, and DoF approval is needed in writing as indicated above.

The Consumer Council does not have the authority to make extra regulatory payments. All such proposals must be submitted to DfE for approval.

Where total losses exceed £20,000 in any financial year, an explanatory note should be included in the Consumer Council's annual accounts.

Details of all losses and special payments should be recorded in a Losses and Special Payments Register, which will be available to auditors.

The Register should be kept up-to-date and should show evidence of the approval by the Consumer Council Chief Executive, as notified to the Department, and the Department where appropriate.

### **Gifts**

The Consumer Council may authorise gifts to be made up to a value of £100.

### **Assets**

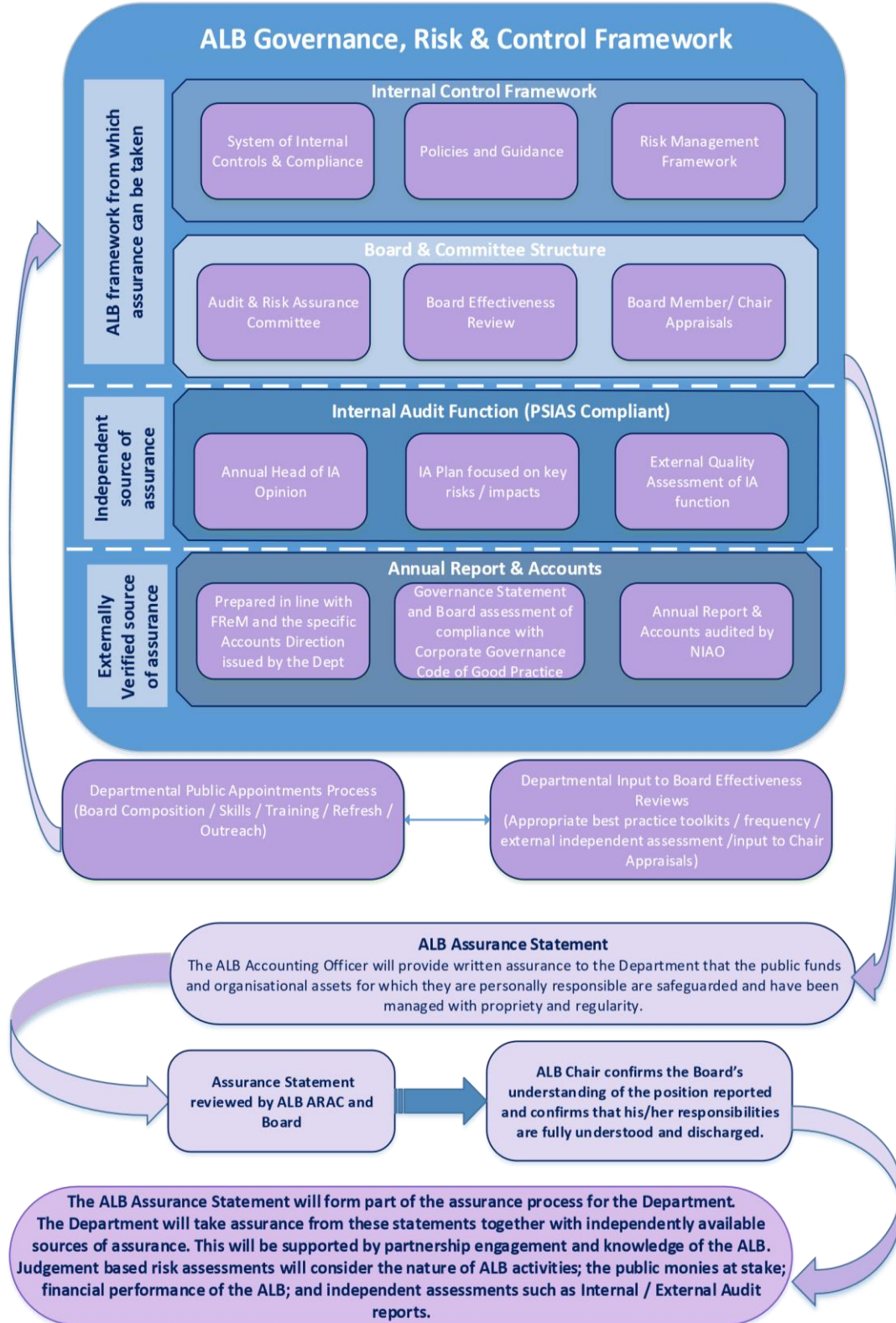
DfE and DoF approval is required where the Consumer Council proposes to retain receipts from the sale of assets funded by grant or grant in aid from the Department.

Where total losses exceed £10,000 in any financial year, an explanatory note should be included in the Consumer Council's annual accounts.

The Consumer Council should consult with DfE (which may in turn contact DoF) if it identifies losses and write-offs (irrespective of any delegated authorities or the amount of money concerned) which are found to:

- involve important questions of principle
- raise doubts about the effectiveness of existing systems
- contain lessons which might be of wider interest
- be novel or contentious
- create a precedent for other Departments in similar circumstances
- arise because of obscure or ambiguous instructions issued centrally

**Annex 4: Illustrative System of Assurance**





### **Annex 5: Concerns/Complaints in respect of Board Members**

In line with the NI Code of Good Practice and the arrangements in this Agreement the approach to concerns/complaints raised in respect of Consumer Council Board Members should be transparent and collaborative. The principle of early and open engagement is important, with DfE made aware of any concerns/complaints as soon as practicable.

While Board Members are Public Appointees/office holders rather than Consumer Council employees, a Consumer Council employee may utilise the organisation's grievance procedure, or another HR procedure, to raise a complaint against a Board member. The Consumer Council employee raising the grievance should expect this to be handled in line with the organisation's HR procedures.

Concerns/complaints might also be raised:

- through raising concerns / whistleblowing arrangements
- through the complaints processes
- directly with the Consumer Council or DfE

Where a concern/complaint is received within the Consumer Council in respect of an individual Board member, this should be provided to the Consumer Council Chair who should notify DfE at the outset in order that lead responsibility for handling the complaint/concern is clear in advance.

Where a concern/complaint relates to the Consumer Council Chair, the Consumer Council should notify DfE at the outset for the Department to determine the approach to handling the complaint/concern.

Differences of view in relation to matters which fall within the Board's responsibilities are a matter for the Board to resolve through consensus based decision making in the best interests of the Consumer Council.

Exceptionally, a concern/complaint may be raised by a Board member about a fellow Board member or a senior member of Consumer Council staff. The Consumer Council Chair should notify DfE at the outset to ensure that arrangements for handling the concern/complaint are clear. DfE may determine that it should make arrangements to deal with the concern/complaint. This will be agreed at the outset.

Arrangements for concerns/complaints in respect of Board Members should be reflected in all relevant procedures, including Standing Orders, the Board Operating Framework and the Code of Conduct for Consumer Council Board Members.

### **Annex 6: Applicable Guidance**

The following guidance is applicable to the Consumer Council.

#### **Guidance issued by DoF**

- Managing Public Money NI
- Public Bodies - A Guide for NI Departments
- Corporate Governance in central government Departments - Code of Good Practice
- DoF Risk Management Framework
- HMT Orange Book
- The Audit and Risk Assurance Committee Handbook
- Public Sector Internal Audit Standards
- Accounting Officer Handbook - HMT Regularity, Propriety and Value for Money
- Better Business Cases NI
- Dear Accounting Officer Letters
- Dear Finance Director Letters
- Dear Consolidation Officer and Dear Consolidation Manager Letters
- The Consolidation Officer Letter of Appointment
- Government Financial Reporting Manual (FReM)
- Guidance for preparation and publication of annual report and accounts
- Procurement Guidance

#### **Other Guidance and Best Practice**

- Specific guidance issued by DfE
- EU Delegations
- Recommendations made by NI Audit Office and/or NI Assembly Public Accounts Committee
- NIAO Good Practice Guides
- Guidance issued by the Executive's Asset Management Unit
- NI Public Services Ombudsman guidance

### **Annex 7: Role of the Minister**

The Consumer Council works with DfE, DfI, HMT and DBT, and other NI and UK Government Departments. Consequently the Consumer Council Chair is responsible to a number of NI and UK Ministers.

The Economy Minister is the principal Minister responsible for the Consumer Council.

Communication between the Consumer Council Board and the Ministers should normally be through the Chair.

The Accounting Officer of the various Departments is responsible for advising the relevant Minister on a number of issues including the Consumer Council's objectives and targets, budgets and performance.

In addition to being answerable to the Assembly (and Parliament) the relevant Minister is also responsible for:

- Setting the strategic direction and overall policies and priorities for the Consumer Council as reflected in the PfG.
- Approving the Consumer Council's Corporate Plan and rolling, annual Forward Work Programmes.
- Setting the Consumer Council's core budget.
- Appointment of Consumer Council Board Members.

## ANNEX 8

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### **Annex 8: Partnerships between Departments and Arm's Length Bodies: NI Code of Practice**

Guidance concerning relationships between Government Departments and Arm's Length Bodies is available at: [Arm's length bodies guidance - DoF website](#)

The most recent publication is available at: [DAO 03/19 - DoF website](#)