

A

Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Tuesday 2 September 2014 in Magherafelt District Council Offices

Members Present: In the Chair, Councillor McPeake (Chair)

Councillors Ashton, Bateson, Buchanan, Elattar, Forde, Glasgow, Mallaghan, McFlynn, McGinley, S McGuigan, Molloy, M Quinn, Reid and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mrs Mezza, Marketing Communications Manager
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (Dungannon & South Tyrone Borough Council)

The meeting commenced at 8.05 pm

PR17/14 Apologies

Councillor McLean

PR18/14 Declarations of Interest

The Chair reminded members of their responsibility with regard to declaration of interest.

PR19/14 Receive and confirm minutes of the Policy & Resources Committee held on Wednesday 9 July 2014

Proposed by Councillor Mallaghan
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Policy & Resources Committee held on Wednesday 9 July 2014 (PR1/14 - PR16/14) were considered and signed as accurate and correct.

Matters for Decision

PR20/14 Off Street Car Parking

The Chief Executive presented a report seeking members' approval for Mid Ulster District Council to participate in the existing DRD arrangements in respect of Off Street Parking enforcement for the period 1 April 2015 to 31 October 2016. He stated DRD currently operate with the aid of two key contracts, an enforcement contract and an electronic processing contract. The logistics of the provision of car parking services include a range of activities and presents a considerable administrative challenge. To participate in existing arrangements will allow a seamless transfer from 1 April and give the Council an opportunity to learn from the operation and prepare alternative arrangements, if required.

SF Members asked if the Council can use this opportunity for further negotiation with DRD in relation to anomalies. They indicated that the proposal was worthy and allowed the Council time to consider the way forward and the car parking pilot scheme in Dungannon should be monitored as something the Council could consider in the future.

A UUP Member stated that the proposal gives the Council breathing space to consider all issues and to put in place a fair process across the district but it was important that updated figures are obtained from the DRD. He also asked if the Council would own the car parks.

DUP Members spoke in relation to the need for a fair policy across all three areas and asked if the £333k included all maintenance costs.

The Chief Executive responded to members stating; assets will transfer to Council; there was an onus on the Council to identify deficiencies in funding to DRD and DSD; and figures include an element of minor maintenance but would not cover any resurfacing that was required. DRD received additional monies for major maintenance works via NI Executive monitoring rounds. Once the Council begins to build budgets and see an emerging financial picture some tough decisions will have to be made regarding car parking tariffs.

Proposed by Councillor Reid
Seconded by Councillor McGuigan and

Resolved That it be recommended to the Council that the Council participate in the existing DRD arrangements in respect of Off Street Car Parking for the period 1 April 2015 to 31 October 2016 based on a service level agreement.

RP21/14 Procurement Thresholds

The Lead Finance Officer presented a report on the proposed procurement approach and requested authorisation to develop a procurement policy on the basis of the report. The procurement practices within the three councils have been reviewed and it is recommended that the Council adopt option 3 within the report. In broad terms this would result in:

- Up to £1,000 – no quotation required but must demonstrate that costs are reasonable
- £1,000 to £5,000 – 2 written price checks required and must demonstrate that costs are reasonable, approved by authorised officer
- £5,000 to £30,000 – a minimum of 4 written quotations, approved by Director
- £30,000 to EU threshold – advertised in regional press – approved by Council
- Single tender actions – request via Director to Chief Executive – up to £30,000 approved by Chief Executive, otherwise approved by Council
- All single tender actions above £1,000 reported to Council or Committee as agreed
- All procurement in excess of £1,000 notified to procurement team.

A SF Member asked where the procurement of consultants would fit in.

DUP Members asked if there will be any built in mechanism to prevent small orders on a consistent basis to keep within threshold and negate the need to go to quotations. They stated that would like to see lower thresholds so the process remains transparent and open.

A UUP Member asked if this approach would leave the process faster and who would be monitoring purchases. He also questioned the need for controls regarding declarations of staff interest.

The Lead Finance Officer responded to Members' questions:

- consultants are usually associated with larger projects and will come under same parameters with guidance in the finer details of the policy
- responsibility of Director to monitor procurement practices making sure no bending of the rules to try to circumvent limits. Directors form part of the governance assurance framework that will come into the council which will motivate directors to closely monitor budgets
- the limits are those recommended by the NI Local Government Procurement Group and in line with local government and central sector
- on a contract of £15,000 could spend up to 10 per cent on advertising
- decentralising and increasing thresholds should expedite the process
- declaration of staff interests will be part of governance arrangements

Proposed by Councillor Mallaghan
Seconded by Councillor Bateson and

Resolved That it be recommended to the Council that the report is adopted and that appropriate policy is developed in line with the recommendations in the report.

**RP22/14 Apportionment of Costs for Services Provided by NI
Commissioner of Complaints**

The Lead Finance Officer presented a report informing members of the DoE consultation exercise on the Apportionment of Costs associated with the Ethical Standards Framework between Councils (the Northern Ireland Commissioner for Complaints) and seeking members' agreement upon a preferred option for the apportionment of costs. He stated it has been estimated that the cost for 2015/16 will be £380,000 with four options on apportioning costs being presented for consultation; number of councils, number of councillors, population and tax base (gross penny product) with the latter being the most economically acceptable to the Council.

Proposed by Councillor S McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council that the preferred option for the apportionment of costs for the Commissioner's Office would be Tax Base (Gross Penny Product).

R23/14 ICT Audit and Analysis

The ICT Manager presented a report which provided update to the Council on the findings and recommendations of the business analysis carried out by Kelway Consultants in respect of converging systems and ICT requirements and sought approval to procure goods and services to build the new ICT service for Mid Ulster District Council.

SF Members stated that this was a comprehensive report and it was always going to be an expensive area that would not have been required if local government reform had not been forced upon local government. They asked if the Council can avail of money for this project from the NI Executive. It was stated that the project was necessary and the three Councils need to be looking at resources which could be diverted to this project.

DUP Members referred to shortfall of £63k in budget and this would be added to the shortfall in budget for the communications system previously reported and felt that recommendations need to be coming from officers on how these projects are going to be financed. It was asked if the three Councils had been approached and given any commitment. It was also asked if officer confident that any tender process would come in at the costs stated.

SDLP Members stated that there is a need for a fully functional ICT system and report highlighted that current three systems lacking in a number of areas. It was asked what software brand would be used.

A UUP Member expressed concern at another deficit in budget and the potential for further when project tendered. He stated that his party could not at the moment support the project, that it should be revisited and asked that this be noted in the minutes. He asked about the longevity of the project. He felt that effect on rates would be tremendous and this should be explained to the DoE.

The Chair stated that this was a complex issue so that is why Consultants were employed, he spoke in relation to the time pressures and asked the Member to outline what he thought the alternative was.

A UUP Member stated that it is a must that the three Councils be approached and asked to put down on paper what financial contribution would be given to support these costs and that there should be a strong lobby to the DoE to release funds.

The ICT Manager in response to questions stated:

- the approach as outlined would leave a system fit for purpose with at least back office requirements for five years
- if all recommendations were adopted it will have a reasonable structure which will be responsive to members, staff and the needs of the public
- Consultants have given us suggestions on what is required and the process will be built around Microsoft Software
- Costs are based on indicative pricing following research

The Lead Finance Officer stated that the matter of finance from the NI Executive continues to be under discussion and that the Finance Officers within the existing

Councils are aware of the situation. He added that the existing Councils will effectively fund the cost of the Shadow Council operating under controls from DoE.

The Chief Executive stated that the DoE has £2m to assist local government ICT systems set up and officers have liaised with DoE Officials to have money released but without success. It would appear that the only recourse is to the DoE Minister

Proposed by Councillor McFlynn
Seconded by Councillor McGuigan and

Resolved It be recommended to Council that the report and recommendations are adopted and that officers are authorised to develop the appropriate documentation. That a letter be sent to the DoE Minister to have money released.

Matters for Information

PR24/14 Branding of Mid Ulster

Mrs Mezza submitted a report on the progress of work to develop a new branding strategy for Mid Ulster District Council. Consultants had been appointed to undertake work associated with the development of a brand. The first phase of the project centres on consultation, work began in early July and should be completed by 12 September. Outcome of all research will be formed into a stakeholder report and inform phase 2, the development of concept and design which will take up to 5 weeks to complete.

SF Members stated that the cultural make-up of the Mid Ulster District Council is similar to Magherafelt and will be of a similar cultural aspiration therefore branding should be bilingual. The Irish Language Policy within Magherafelt has been consulted on, went through all assessments and has been endorsed by the people. This is something that should be given consideration as part of branding.

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan

That it be recommended to the Council that to short circuit part of the work towards developing bilingual branding for the Mid Ulster District Council that the Council adopt the existing Magherafelt District Council Irish language Policy.

DUP Members stated they could not support the proposal, putting two or three languages into branding is not cost effective, the committee cannot agree a policy that it has not seen, which has not been consulted on throughout the whole area or which has not been placed as an item on the agenda. Members will oppose any proposal at this stage.

A SDLP Member stated that she has not seen the policy and therefore it needs to be circulated to all members.

UUP Members asked if the policy takes account of the diverse population of the borough and if it was inclusive of all languages. It was suggested that there was a need for a discussion or workshop to properly discuss this issue.

The Chair asked if the proposer would be prepared to amend proposal to take account of what had been discussed.

Councillor Bateson amended proposal to read

That it be recommended to the Council that the Magherafelt policy be put forward as a discussion document to inform the development of a policy for Mid Ulster and that a workshop to discuss the policy be arranged.

The proposal as amended was put to the meeting 10 (ten) members voting in favour and 5 (five) against.

The Chair declared the proposal carried.

The Chair stated that a paper should come to committee as soon as possible so that the outcome can be fed into corporate branding exercise.

PR25/14 Mid Ulster District Council Interim Website.

Paper noted.

PR26/14 Draft Employee Code of Conduct and Employee Member Protocol

Paper noted.

PR27/14 Estimated Penny Product for Mid Ulster District Council

Paper noted.

PR28/14 Guidance on the Financial Operation of New Councils during the Shadow Period

The Lead Finance Officer presented a report which considered the contents and implications of circular LG 34/2014.

He discussed with members the implications of capitalisation, capital expenditure, loans and reserves and how all these issues are currently being managed within the three Councils. It was noted that capital expenditure above £250k and any borrowing has to be approved by the Shadow Council.

The Chief Executive stated that more work needed to be completed on the financial position of Councils and a paper would be brought to a future meeting.

PR29/14 Open Consultation List

Draft PPS22 on Affordable Housing, closing on 23 September
Developer Contributions for Affordable Housing, closing on 23 September

PR30/14 Hospitality

A DUP Member stated the Council should be striving to keep costs to a minimum.

Proposed by Councillor Ashton
Seconded by Councillor Buchanan and

Resolved That it be recommended to the Council that hospitality at Council and Committee meetings should be tea, coffee, biscuits and jugs of tap water.

PR31/14 Duration of Meeting

The meeting was called for 8.00 pm and ended at 9.54 pm.

CHAIR

DATE

B

Subject	Child Care Vouchers
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To consider the introduction of childcare vouchers for employees and members of Mid Ulster District Council.

2	Background
2.1	All three Councils within the Mid Ulster Cluster operate childcare vouchers through their existing payroll systems.

3	Key Issues
3.1	<p>The scheme allows employees and members to purchase childcare vouchers up to a maximum of £243 per month through their payroll. This deduction is net of tax and national insurance, and generates a saving of up to £70/£80 per month, depending on salary.</p> <p>The payroll deductions will be credited into a specific account held between each employee/member and Employers for Childcare, and subsequent payments to the child carer can be released when due.</p> <p>The only stipulation regarding this scheme is that the carers must be registered.</p> <p>Employees and members can avail of a helpline service provided by Employers for Childcare which will, for example, calculate if childcare vouchers or tax credits are more beneficial to the employee/member.</p>

4	Resource Implications
4.1	<u>Financial</u> – N/A
4.2	<u>Human resources</u> Administered by payroll staff within Dungannon & South Tyrone Borough Council.
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members are requested to approve the introduction of childcare vouchers for employees and members of Mid Ulster District Council, using Dunganon & South Tyrone Borough Council's existing provider – Employers for Childcare.

7	List of Documents Attached
7.1	N/A

C

Subject	Cycle to Work Scheme
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To consider the introduction of a Cycle to Work Scheme for employees and members of the Mid Ulster Council.

2	Background
2.1	Currently Dungannon & South Tyrone Borough Council and Cookstown District Council operate a Cycle to Work Scheme for both staff and members.

3	Key Issues
3.1	<p>The scheme allows employees and members to purchase a bicycle up to the value of £1,000 through Halfords or any other local supplier. Council will approve each individual loan, and deductions are taken from employee/member through payroll, over a period of one year.</p> <p>These deductions are net of tax and national insurance, therefore a bicycle costing £1,000 will give a saving of £320, ie net cost of £680. There is a small nominal transfer of ownership fee at the end of the 12 months, which Council will recoup from employees/members payroll.</p>
3.2	Dungannon & South Tyrone Borough Council are organising roadshows in November for their existing employees and members to give them the opportunity to view a range of bicycles and offers available within the scheme.

4	Resource Implications
4.1	<u>Financial</u> – N/A
4.2	<p><u>Human resources</u></p> <p>Administered by payroll staff within Dungannon & South Tyrone Borough Council.</p>
4.3	<p><u>Assets and other implications</u></p> <p>N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members are requested to approve the introduction of a Cycle to Work Scheme for employees and members of Mid Ulster District Council in conjunction with the scheme and providers used by Dungannon & South Tyrone Borough Council.

7	List of Documents Attached
7.1	N/A

D

Subject	Draft Interim Communications Strategy & Action Plan 2014-2015
Reporting Officer	Ursula Mezza, Marketing Communications Manager

1	Purpose of Report
1.1	To consider the draft interim Communications Strategy for Mid Ulster District Council.

2	Background
2.1	The Council has identified internal and external communication as a key element of its overall strategy to prepare for the merger of the 3 existing councils and following the appointment of a Marketing Communications Manager, an interim communications plan has been developed to address communications issues.

3	Key Issues
3.1	The strategy details the importance of internal communications, particularly during a period of significant change when staff face the challenges of a merger, and highlights the value of sound internal communications to inform and reassure employees as well as to create feedback opportunities.
3.2	As well as utilising existing channels for internal communication, the strategy advocates the development of additional methods to create a mix which can be used at different times with different audiences, depending on the message being communicated and the level of engagement required.
3.3	The channels recognise the importance of face to face communication through personal contact, for example at team meetings and staff briefings, as well as the continued importance of more traditional methods like staff newsletters and noticeboards in staff areas, supplemented by electronic communication.
3.4	While the process of change leads to a natural prioritisation of internal communications, the strategy also recognises that a focus on external activity is also required during the transitional period.
3.5	Key projects, including the development of new branding and a new web presence for Mid Ulster, are detailed, together with the significance of the media as a communications tool and the importance of a proactive, planned and strategic schedule of media activity. The introduction of direct communication with residents via a residents' magazine is also included in the action plan.
3.6	Monitoring and evaluation of both internal and external communications is also proposed.

4	Resources
4.1	<p><u>Financial</u></p> <p>Actions associated with the communications strategy will be met from existing budgets.</p>
4.2	<p><u>Human</u></p> <p>N/A</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>N/A</p>
4.4	<p><u>Other</u></p> <p>N/A</p>

5	Other Considerations
	None

6	Recommendations
6.1	That the Council endorses the interim Communications Strategy & Action Plan 2014-2015.

7	List of Documents Attached
	Interim Communications Strategy & Action Plan 2014-2015

**Interim Communications Strategy & Action Plan
August 2014 – March 2015**

Introduction

In its Corporate Plan for the transitional period (2014-2015), Mid Ulster District Council has identified internal and external communication as a key element of its overall strategy to prepare for the merger of the three existing councils of Cookstown, Dungannon and Magherafelt.

The Council's approach is endorsed by the results of an early staff engagement exercise among the existing councils' employees where communication (internal and external) was identified as one of the top three priorities.

It is also in line with the Regional Communications Strategy & Action Plan (*produced by the regional Communications Working Group and endorsed by the Regional Transition Committee, March 2013, updated April 2014*) and with the Public Service Commission's (PSC) first guiding principle and recommendations for an effective communications strategy.

Communication Principles

All communications' activity associated with this strategy will be underpinned by a set of general principles.

Our communication:

- will be proactive
- will be open and transparent
- will be timely and regular
- will be accurate and comprehensive
- will use multi-channels to reach broad audiences
- will be 'two-way', giving staff, residents, customers and other stakeholders opportunities to actively engage
- will support legislative requirements and Council policies
- will be everyone's responsibility! Whether formally or informally, internally or externally, everyone has a role to play in communicating clearly and effectively.

Internal Communications

Effective internal communication is crucial to the transition period when employees are meeting the challenges of a merger and anticipating the associated, and often uncertain, change.

A sound internal communications' programme will allow Mid Ulster District Council to:

- create a flow of information about key issues and projects as the merger progresses
- provide reassurance and allay fears associated with the change process
- establish two-way channels, where employees know their views are sought, considered and valued
- establish a firm foundation for an internal communications strategy post-April 2015.

In addition, as they develop, internal communications plans should align with other key strategies, including the Council's Organisational Development Strategy, while also being supported by the frameworks developed for other areas, including performance management.

Baseline

Ideally Mid Ulster District Council would tap into the existing internal communications structures and systems. However, approaches to internal communication vary considerably across the three existing councils and relying on current channels alone is likely to lead to inconsistency in the dissemination of information.

The difference in approach may well account for the staff engagement result which showed 59% of those surveyed agreeing/strongly agreeing that they were kept informed of changes regarding the creation of the new Council, 17% disagreeing/strongly disagreeing and almost a quarter - 24% - expressing no opinion on the issue.

Generally there is a narrow range of channels used to communicate internally within the existing councils and the development of the action plan reflects the need to use a range of channels to effectively talk and listen to internal audiences and to choose the right mix of communication channels for particular audiences. That mix depends on the information being communicated, its relevance and importance, and on the level of engagement required.

The primacy of face to face communication is, however, acknowledged. This is highlighted by the Public Service Commission in its guidance, in the regional communications strategy and is also reflected in the early staff engagement work across the three existing councils. When asked, staff indicated clearly that those methods involving face to face contact were preferred (team meetings 55%, briefings from line managers 43%), with electronic means, as a whole, scoring less favourably (email 46%, intranet 33%, website 18%).

This action plan, therefore, recognises that the use of electronic communication *in isolation* has neither the reach (particularly for those employees without access to a networked computer) nor the impact required to be effective, particularly when dealing with significant or sensitive issues.

An added communication challenge concerns employees who will be transferring in from central government and the plan must remain fluid to allow methods and channels to be adopted which will also encompass employees from transferring functions.

The Council will, therefore, in the transition period:

- utilise established internal communications channels.
- supplement existing channels with additional methods.

Channels

The Council & Elected Members: as a corporate entity and with a body of elected Members in constant contact both with their constituents and with staff at all levels and all locations throughout the organisation, the Council is an important communication channel in itself.

Councillors have a vital role to play in disseminating information to staff, particularly in their roles as decision-makers who are well-placed to provide reassurance to staff on the change process and its impact on employees and services. Elected Members are also an important conduit for feedback.

Staff Briefings: a planned programme of short, focussed visits by the Chief Executive to meet with staff, particularly with those working at locations outside the 3 main council offices. While time-intensive, the Chief Executive's visibility and accessibility to all levels of staff will provide reassurance, an opportunity for two-way communication and the creation of a feedback loop.

This concept can be extended to senior management as director-level appointments are made following the introduction of new council structures.

Established Working Groups: a total of 8 cross-council working groups are already established, with a number of sub groups also formed. Representative of all 3 existing councils and the majority of the services and functions, these groups offer an opportunity to disseminate information down through each organisation and to create another mechanism for feedback.

Team Briefing: a method of ensuring the continuous two way flow of information, using key management/corporate messages and other information with an employee-wide relevance as a basis for a short written 'brief'.

The brief is then disseminated quickly and accurately via a series of team meetings (e.g. by Directors to the directorate's Heads of Service to their Managers to their line managers to those employees for whom they are responsible and so on, until every employee has received the same information).

The issue of the team brief at a regular time (for example, after a monthly senior management team meeting) not only prompts a team meeting, but also acts as a mechanism for employees to provide feedback on the issues raised in the team brief, or indeed other issues which they feel to be important or relevant. Any such issues are then fed back 'up the line' formally to the top with appropriate answers fed back down again, and so a continuous feedback loop is created.

Special 'one issue' team briefs can also be produced for non-urgent but significant issues.

Team briefs should be used to communicate non-urgent issues, but need to be produced in a timely fashion and delivered by line managers within a short time of their issue. While team brief documents can be circulated by e mail or posted on

notice boards, this is to supplement and not to replace verbal delivery which is crucial for effectiveness and consistency.

Internal Communications Champions (General): Internal Communications Champions are staff from individual services or facilities who 'champion' good communication and are responsible for aiding the flow of information to and from their colleagues. They can simply be the people who populate the notice boards to those who actively generate ideas, feedback on communications issues and suggest improvements. They are, however, also a 'comfortable' point of contact for their immediate colleagues who may not feel able to talk to a manager or member of staff beyond their section.

Internal Communications Champions (Reform Specialists): Specialist communications champions are dedicated points of contact to whom employees can direct reform-related queries and concerns. Their role is to provide prompt and accurate responses, be independent and give a commitment to confidentiality.

While difficult to assess the frequency and level of contact for specialists, in a reform context, this is likely to be resource intensive as April 2015 approaches and would require 2 staff members able to respond to general queries and up to 3 Human Resources staff to manage employment-related queries.

Electronic: the provision of information by e mail or by posting on intranet or internet sites is a useful means of providing information to those employees with access to a computer at work, particularly for large documents which employees may wish to read and digest.

Conversely, this is a method which does not have good reach and it is difficult to know if employees who do receive the information electronically read and/or fully understand it.

Noticeboards: a means of displaying information in employee-only areas, e.g. where staff gather for breaks or spend their 'downtime', noticeboards are a traditional, but effective means for displaying information which is not time-sensitive and has longevity. They must, nonetheless be kept up-to-date and fresh to continue to attract employees' attention.

Staff Newsletter: a staff newsletter 'Transition Mid Ulster' is established and a useful method for the dissemination of general information which is not particularly time sensitive.

Timely and high penetration distribution is problematic, while effectiveness can also be affected by literacy levels.

Monitoring and Evaluation

The impact and effectiveness of internal communications channels will be monitored on an on-going basis, using informal feedback from individual staff members, working group members and HR staff.

Internal communications will form a key strand of questioning in a staff engagement survey to allow formal evaluation to take place and a baseline to be established in undertaking future employee consultative work.

As a result of monitoring and evaluation, channels and approaches will be reviewed and adjusted as required.

Internal Communications Action Plan

Channel	Action In Interim Period	Action In Preparation for/Post April 2015
Council & Elected Members	Ensure the Council and Councillors are informed of and briefed on internal communications plans and activities and receive information being disseminated.	Continue programme of Council information and briefings on internal communications plans and activities.
Staff Briefings	Develop a planned programme of short, focussed visits by the Chief Executive to meet all staff (October 2014, with others to be programmed in early 2014). Extend staff briefings to senior management team when appointed.	Continue planned programme of staff briefings.
Established Working Groups	Use existing transition working groups to disseminate information and create a flow of communication up, down and through the existing Councils.	Use appropriate inter-departmental working groups formed post April 2015 as channels for dissemination of information and receipt of feedback.
Team Brief	Begin to introduce 'special team briefs' as a quick means of communicating key but non-urgent issues.	Establish Council-wide team briefing system post April 2015.
Internal Communications Champions (general & reform specialists)	Identify points of contact to act as general champions for population of notice boards.	Develop terms of reference for internal champions and identify appropriate staff to undertake the voluntary

	<p>Identify 5 staff to act as reform specialists, with 3 from an HR background to manage employment-related queries.</p> <p>Publish details of how to contact dedicated staff with specific responsibility for reform communications and communicate their remit to all employees.</p> <p>Consider introduction of Mid Ulster reform e mail address for staff.</p>	roles post April 2015.
Electronic	<p>Seek introduction of 'Transition Mid Ulster' section on Cookstown District Council's Intranet.</p> <p>Provide regular flow of content to the existing Cookstown intranet and, as appropriate, to the transition and news sections of the existing Councils' web and social media sites.</p> <p>Continue to manage Mid Ulster Council interim web site to ensure regular updates and fresh content.</p> <p>Build key contact email lists across the existing councils to aid more speedy dissemination of information.</p>	<p>Following conclusion of web and CMS procurement, manage the delivery of a Mid Ulster Council intranet to 'go live' by 1 April 2015.</p> <p>Where possible and appropriate, plan for introduction of a PC or other electronic communication method (e.g. digital screen) in common areas where staff do not have access to computers as part of their normal work.</p>
Notice Boards	<p>Establish the presence and availability of existing notice boards in staff communal areas in all facilities.</p> <p>Identify points of contact to receive and populate boards in each available facility.</p>	Consider introduction of Mid Ulster Council branded internal notice boards in all facilities (where staff communal areas are available).
Staff Newsletter	Continue to use 'Transition Mid Ulster', with an increase in frequency (at least one each month, publication	Consider introduction of a staff newsletter as part of a Mid Ulster District Council Communications Strategy

	<p>timed to follow the monthly Council meeting to allow any relevant decisions to be included).</p> <p>Use one-off 'special' issues to communicate key issues (see team brief below).</p> <p>Seek to have reform-related content included in the Cookstown staff newsletter 'The Insider'.</p>	(2015-2019).
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External Communications

During the shadow period, the Council's focus is on preparatory work, leading to the natural and necessary prioritisation of internal communications. Nonetheless, the Council must also initiate interim external communications activity, and plan for the introduction and management of its external communications from April 2015.

Just as elected members have a significant part to play in internal communications, they are key to external communication activity in their roles as decision-makers and influencers, and as visible, vocal and trusted representatives of local communities. Councillors will then be integral to external communications activity, particularly in PR planning and media relations.

Baseline

As with internal communications, there is no single approach across the three existing councils to external communications activity and there are no dedicated corporate communications staff or resources (with the exception of one Cookstown post).

Responsibility for marketing as a complete discipline, and marketing communications as a branch discipline, is decentralised and managed on a departmental, service or functional basis.

The existing councils have multiple brand identities, which create dissociation from the 'parent' organisation, and translate into a loss of positive linkages, a misperception about the Council's full range of responsibilities and a limited understanding of the overall contribution which the Council makes to the quality of life of its residents. This can lead instead to a public association which centres on those essential services which are often taken for granted or complaint-prone, such as bin collections, recycling services or dog and litter control.

The existing councils also have multiple digital presences (web sites and social media accounts), leading to a similar outcome in terms of brand dilution. There is also a reputational risk associated with multiple sites which have multiple managers of content on both web and social media sites (e.g. the consistency and tone used as the 'voice' of the Council, corporate knowledge, requirement to plan content, react to content, engage appropriately).

The Council will, therefore, in the transition period:

- introduce and adopt communications channels to promote and build understanding of its preparatory work and new responsibilities.
- develop new branding and core corporate communications channels for 1 April 2015.
- develop a comprehensive communications strategy for implementation post April 2015.

Branding

As a new organisation, but one emerging from three existing councils, one of the Council's key challenges is to create a distinct and memorable council-wide brand which reflects its visions and values.

Developing a strong brand and unique identity will ensure those who interact with the organisation as customers or other stakeholders understand what Mid Ulster District Council stands for, what its roles and responsibilities are and what services it delivers. It also has an important unifying effect on a large staff spread across a large geographic area.

Digital

The use of digital media for communication has grown exponentially in the last decade and as a result, electronic, web-based and social media have become more prominent in the overall communications channel mix.

Research continues to show, however, that public sector organisations must be cautious about an over-reliance on digital communications methods, as the majority of people still express preferences for receiving information from and making contact with councils via other methods (through the media, direct to your door, e.g. residents' magazines, and by telephone). Northern Ireland also continues to have the lowest proportion of internet users in the UK (79%, London is 90%), and as a region with a large rural population, Mid Ulster is also disadvantaged by a lack of consistent access to high speed broadband services.

However, given that access to communication technology through the use of handheld mobile devices is common-place and the use of digital media for everyday interactions, from making arrangements to meet a friend to conducting business transactions, is also now the norm, the Council must keep pace with these channels, particularly as they offer a very real opportunity to engage in 'two way' communications.

Direct Communications

Direct communication which uses traditional printed materials delivered to residents' homes, continues to be cited as a preferred channel for receiving information from councils and is particularly effective for messaging around key priorities and for services which are widely used by, or of interest to, a large number of people.

Media Relations

The media remain an important communications tool, an influential source of information and increasingly are viewed as channels not only for members of the public to air grievances, but to have their problems or complaints resolved.

Positive media coverage can be viewed as third party endorsement of the Council and so, positive or balanced reporting of an issue can influence public perception and as a result, the Council's reputation. A proactive, planned and strategic schedule of publicity work is, therefore, a vital part of the communications function, as is the ability to react effectively to media enquiries.

Strong media relations are key not only to promoting the Council's positive messages and enhancing its reputation, but also to managing the impact and extent of negative news.

Monitoring and Evaluation

The effectiveness of external communications channels will be monitored and evaluated using a range of methods.

The Council's interim web site will be monitored using an appropriate analytics programme.

Media monitoring will assess the extent of the Council's coverage in the print media, as well as evaluate its impact, based on prominence and tone of press coverage, and estimate its value using a Mean Advertising Value Equivalent (MAVE).

Target response times will allow the efficiency of response to media enquiries to be assessed, with informal feedback sought from journalists on the effectiveness of the service in meeting media needs and timescales.

Core projects - the development of a new brand and the development of a new web site - will be reviewed and tested at key decision points in the project plans to allow any adjustments to take place as appropriate.

External Communications Action Plan

Channel	Action In Interim Period	Action In Preparation for/Post April 2015
Branding	Management of brand development project. Agreement of new brand by December 2014. Devise implementation plan and begin phased introduction of new branding. Dissemination of brand toolkit as appropriate and	Continuation of brand implementation plan. Monitoring of implementation. Staff training.

	staff training.	
Digital	<p>Establishment and on-going content management of Mid Ulster District Council interim web site.</p> <p>Ensuring Mid Ulster-related content on the 3 existing councils' web sites is consistent, and up-to-date, that Mid Ulster Council news releases feature when appropriate and that links to the Mid Ulster Council interim site are in place.</p> <p>Introduction of analytics programme for interim web site.</p>	<p>Following conclusion of web and CMS procurement, development and management of a project plan to structure and populate a new Mid Ulster Council web site to 'go live' by 1 April 2015.</p> <p>Development of a corporate digital media strategy as part of a Mid Ulster District Council Communications Strategy (2015-2019).</p>
Direct Communication	<p>Development of a residents' magazine for issue March 2015.</p> <p>Consideration of other service areas, issues or audiences which may benefit from direct communication in advance of 1 April 2015.</p>	<p>Development of direct communication as part of a new Mid Ulster District Council Communications Strategy (2015-2019).</p>
Media	<p>Development and introduction of a Media Protocol to provide guidance on the release of information about the decisions and work of the Council in the transition period and post April 2015.</p> <p>Establishment of relationships with local media via meetings, briefings and timely and appropriate responses to media enquiries.</p> <p>Introduction of media monitoring systems and monthly reporting.</p> <p>Identify and map opportunities to promote</p>	<p>Development of corporate and service specific PR planning as part of a new Mid Ulster District Council Communications Strategy (2015-2019).</p> <p>Procurement of full media monitoring service (print, broadcast, on-line).</p>

	and build understanding of the preparatory work of the new Council in the local media.	
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Conclusion

The introduction of interim communications plans, which identify key channels for use during the transitional period, will contribute positively to the Council's preparatory work for 1 April 2015, improving understanding and awareness of the transitional period, its purpose and its impact.

The communications activity will also provide a foundation platform from which to develop a comprehensive strategy to communicate the Council's vision and support the achievements of its strategic objectives.

E

Subject	Single Non-Geographic Telephone Number
Reporting Officers	Ursula Mezza, Marketing Communications Manager Barry O'Hagan, Lead Officer IT

1	Purpose of Report
1.1	To consider the introduction of a single, non-geographic telephone number for Mid Ulster District Council.

2	Background
2.1	The Council is procuring a unified communications system which provides it with the technological capacity to transform its telephone contact arrangements.
2.2	The new system allows for the existing councils to be connected by a single internal telephony system, while also presenting an opportunity to introduce a single customer contact telephone number.

3	Key Issues
3.1	The use of a single telephone number can help to reinforce key messaging to residents that Mid Ulster District Council is, from 1 April, the only council in operation and also promotes the concept that all staff, regardless of location in Mid Ulster's broad geographic area, work for one organisation.
3.2	In considering the choice of a new telephone number, the use of a non-geographic number, i.e. a number which does not have a specific area code (which locally would be 028 79, 028 87, 028 86) would also have a unifying effect both internally and externally.
3.3	However, the use of a non-geographic number also gives access to useful features, including intelligent call routing, which identifies where a call is being made from and then routes it to the closest office, giving a 'local' feel to call answering, which would be important in a new, much larger council area.
3.4	Call flow management, customised announcement options, as well as statistics, to monitor numbers of calls, their geographic origin, calls answered and not answered, are also available.
3.5	A range of non-geographic numbers are available, all beginning 08 or 03.
3.6	0800 numbers are free to the caller which means the cost is borne entirely by the organisation. The cost is currently 1.85p per minute.
3.7	0845 or 0844 numbers can be charged to the customer at up to 5p per minute from BT lines. Charges are, however, likely to be significantly higher from other

	operators, and therefore, can be viewed as a barrier to use which is not desirable in a public service setting.
3.8	0870 numbers incur a charge to the organisation of 0.5p per minute. However, these numbers retain negative public associations as a result of being used as income generators in the past by some organisations.
3.9	0300/0303 numbers which were introduced to provide a more 'trustworthy tariff' for public services and not-for-profit bodies only, incur a call rate charge to the organisation of 0.5p per minute. Callers, however, pay the same amount for these calls as they would for calling a geographic number (e.g. 01 or 02) on whatever package they have and whichever line they are calling from (including mobiles). These numbers should also in due course be more likely to be accessible from abroad than some 08 numbers.

4	Resources
4.1	<p><u>Financial</u></p> <p>As a local authority wishing to introduce a single non-geographic telephone number, the Council can take advantage of negotiated rates via an Aggregated Telephony Tariff negotiated between BT and the COI (Central Office of Information, an executive agency of the Cabinet Office).</p> <p>The tariffs are intended to ensure government funded departments and the wider public sector can achieve best value through an aggregated telephony purchasing agreement of non-geographic numbers. However, the costs can also be market tested by seeking quotations for an 03 number via other providers which may prove more cost-effective than the rates available via BT.</p> <p>Using BT costings, a choice of 0300 and 0303 numbers is available to purchase at BT standard number connection charges and categorised as gold, silver or bronze depending on their memorability and priced accordingly (£3,000, £1,500 and £500).</p> <p>Based on a sample of data available for in-coming call volumes and length of calls to Cookstown District Council and extrapolated across 3 council offices, the introduction of an 03 number is likely to incur an estimated cost of £2,000 per annum.</p>
4.2	<p><u>Human</u></p> <p>An intensive training programme would be required for existing staff at reception areas in the 3 existing council offices, together with key customer-facing staff in administrative and service delivery functions. This would facilitate the creation of a staff knowledgeable about their council colleagues, facilities and service delivery arrangements across the entire Mid Ulster District Council area. Training would be built into the DoE funded Capacity Building Plan for January to March 2015.</p>

4.3	<u>Basis for Professional/ Consultancy Support</u>
	N/A
4.4	<u>Other</u>
	N/A

5	Other Considerations
	None

6	Recommendations
6.1	That the Council introduces and promotes a single non-geographic external customer contact telephone number chosen from the 03 range (gold range) to be effective from 1 April 2015, with the central telephone numbers of each of the existing councils being phased out over a suitable period of time (a maximum of 1 year).

7	List of Documents Attached
	None

F

Subject	Draft Model One Step Grievance Procedure To Link With The RPA Independent Third Party Dispute Resolution
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To inform members that a response on behalf of the Mid Ulster Council, to the above Draft Model “One Step Grievance Procedure To Link With The RPA Independent Third Party Dispute Resolution”, issued by LGRJF 20 August 2014 has been submitted.

2	Background
2.1	This draft Policy was issues by LGRJF, seeking comments prior to it being finalised. The deadline for return of comments was 26 September 2014, therefore the return from the Mid Ulster Council has already been submitted.

3	Key Issues
3.1	This procedure applies to all employees who will move to the Mid Ulster Council as a result of decisions on the Review of Public Administration and the reform of local government.
3.2	This procedure applies in cases where there is either a claim of non-adherence to the transfer scheme associated with the transfer of functions, a dispute against the Mid Ulster Council or in the case of a dispute in relation to a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions.
3.3	This procedure details the steps to be followed by an employee who raises a grievance and how the Council will take effective action to resolve the claim without unreasonable delay.

4	Resource Implications
4.1	<u>Financial</u> – N/A
4.2	<u>Human resources</u> – N/A
4.3	<u>Assets and other implications</u> – N/A/

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	N/A

7	List of Documents Attached
7.1	Comments from Mid Ulster Council
7.2	LGRJF Draft Model Internal One Step Grievance Procedure to Link With RPA Independent Third Party dispute Resolution Procedure
7.3	Letter from LGRJF regarding above document.

CONSULTATION ON DRAFT

Comments from: Mid Ulster Council

Mid Ulster Council (The Council) welcomes the opportunity to respond to this consultation. The Council agrees with the proposed Internal One Step Grievance Procedure to Link with RPA Independent Third Party Dispute Resolution Procedure and would like to make the following comments on the draft.

SECTION (please refer to subsection as appropriate)	COMMENT
General	<ul style="list-style-type: none">• A Glossary of terms would help at the front of the document• A Flow Chart setting out how the process flows would also be helpful• An explanatory leaflet / easy read document would go some way to help with the understanding of what is accepted where legalistic terminology is difficult to avoid
3.0	Should a definitive timeframe be included, say 2 years, to which these specific procedures can be applied in relation to RPA.
3.3	It is stated that assistance to support employees from special interest organisations may be considered – should change to will be considered especially if it relates to any Section 75 considerations such as Disability Group.
3.4	Just a need to clarify what is a very positive statement relating to mediation i.e. will the mediator be externally sourced.
4.0	Can examples be provided on particular subjects that could be classed as an 'RPA related grievance'?
4.3	Can clarification once again be given as above i.e. will the mediator be externally sourced?
APPENDIX 1	No comments

Please return this Consultation Proforma when completed to dermot.ohara@lgsc.org.uk



facilitating local government reorganisation

DRAFT MODEL

(NAME) COUNCIL

**INTERNAL ONE STEP GRIEVANCE PROCEDURE
TO LINK WITH RPA INDEPENDENT THIRD PARTY
DISPUTE RESOLUTION PROCEDURE**

(AUGUST 2014)

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1.0 INTRODUCTION

- 1.1 This procedure applies to all employees who will move to a new organisations or to a new employer as a result of decisions on the Review of Public Administration and the reform of local government.
- 1.2 This procedure applies in cases where there is either a claim of non-adherence to the transfer scheme associated with the transfer of functions, a dispute against the designated employer or in the case of a dispute in relation to a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions.
- 1.3 This procedure details the steps to be followed by an employee who raises a grievance and how the Council will take effective action to resolve the claim without unreasonable delay.

2. CONTEXT

- 2.1 The procedure is based on the provisions of the Code of Practice on Disciplinary and Grievance Procedures issued by the Labour Relations Agency in April 2011.
- 2.2 Cognisance has also been taken of the RPA Code of Practice on Staff Transfers, specifically the RPA Independent Third Party Dispute Resolution Procedure: non-pension matters. A copy is attached as Appendix 1.

3. GENERAL PRINCIPLES

- 3.1 Any steps under this procedure shall be taken promptly unless there is good reason for delay. Any time limits in this procedure may be extended by the Council if it is reasonable to do so.
- 3.2 It is the aim of this procedure to resolve matters at the earliest practicable date and at the earliest stage possible, it is not anticipated that all grievances will go through all procedural steps.
- 3.3 Employees are entitled to be accompanied to a hearing by a Trade Union representative or work colleague. The Council will be sensitive to the needs of employees and in certain circumstances a request to be accompanied by a companion from a support organisation which has a special interest in assisting and supporting employees may be considered. Employees do not have the right to be accompanied by a legal representative.
- 3.4 Mediation may be available, subject to agreement of all parties involved in the grievance, including agreement on the choice of mediator.
- 3.5 Records must be kept of all stages of the grievance process.
- 3.6 All matters relating to a grievance will be treated as far as possible in strictest confidence between all parties involved. Any breach of this confidence without good reason may be subject to disciplinary action.

- 3.7 This procedure will be subject to the provisions of Data Protection and Freedom of Information legislation and disclosure for Industrial and Fair Employment Tribunals or other legal proceedings.
- 3.8 This procedure does not preclude an employee from pursuing their statutory rights under current legislation.
- 3.9 Employees will have the right of appeal to the RPA Independent Third Party Procedure as well as their right to be accompanied by a work colleague or represented by a trade union representative to the RPA third party procedure.

4.0 DETAILED GRIEVANCE PROCEDURE

- 4.1 If an employee wishes to raise a RPA related grievance they should put the grievance in writing making it clear that the grievance has arisen as a result of the implementation of the reform of local government and submit it to their Line Manager, who will inform the Council's Human Resource Department.
- 4.2 The employee will be invited to attend a grievance meeting as soon as reasonably practical and will be notified of this in writing, normally at least 10 working days in advance of the meeting. They will also be reminded of their right to be accompanied by a trade union representative or work colleague.
- 4.3 In some situations it may be necessary to clarify the subject matter of the grievance in advance of conducting the grievance meeting. It may be appropriate to conduct some form of full and impartial investigation prior to the grievance meeting which may be completed by an independent person with technical expertise. Where it is determined to conduct an investigation into the issues raised in the grievance the employee will be informed and the likely timescale for the investigation.
- 4.4 Following the grievance meeting (or final grievance meeting if more than one is held) a summary record will be prepared and forwarded to the employee within 5 working days of the meeting. The employee will also be informed of their right of appeal to the RPA Independent Third Party Dispute Resolution Procedure.
- 4.5 Employees who appeal to the RPA Independent Third Party Dispute Resolution Procedure must lodge their appeal with the Labour Relations Agency within 6 weeks from the date of the conclusion of the internal grievance procedure.

**EXTRACT FROM RPA CODE OF PRACTICE
RPA INDEPENDENT THIRD PARTY DISPUTE RESOLUTION PROCEDURE**

5. RPA Independent Third Party Dispute Resolution: non-pension matters

Interpretation

- 5.1 This guidance applies to all employees in the RPA Affected Group, who will move to new organisations or to a new employer as a result of decisions on the Review of Public Administration.
- 5.2 This guidance applies in cases where there is either a claim of non adherence to the transfer scheme associated with the transfer of functions, a dispute against the designated employer or in the case of a dispute in relation to a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions.
- 5.3 This guidance does not apply to the handling of RPA disputes in respect of pension provision. The handling of such disputes is outlined separately at paragraph 6.
- 5.4 Individual employers are reminded that they are required to operate an **internal** dispute resolution procedure which complies with statutory obligations including the statutory right of accompaniment. To facilitate a speedy resolution, employers are asked to ensure that RPA disputes relating to non-adherence to the transfer scheme associated with the transfer of functions, disputes against designated employer or disputes in relation to a change in workplace location which has been made as a result of the implementation of RPA decisions are dealt with by a decision making authority.
- 5.5 Employers are required to inform employees of their additional right of appeal to the RPA Independent Third Party Procedure as well as their right to be accompanied by a work colleague or represented by a trade union representative to the RPA third party procedure. **Employers are reminded that the RPA Independent Third Party Procedure does not replace internal dispute resolution and all of the principle requirements of the internal process must continue to be met. Internal dispute procedures are to be exhausted before appeal to the RPA independent procedure.** In organisations where grievance/dispute resolution procedures include a final stage which is independent/external, this final stage would be replaced by the RPA Independent Third Party Dispute Resolution Procedure
- 5.6 Employees must be advised that the implementation of these procedures does not affect their right to lodge a claim with the Industrial Tribunal or Fair Employment Tribunal.
- 5.7 At the first stage of the internal dispute resolution procedure employees are required to indicate either:
A
 - i) if and why they believe that their dispute relates to:
 - a) non-adherence to the transfer scheme associated with the transfer of functions; or

- b) a change in workplace location which has been made as a result of the implementation of Review of Public Administration decisions;
- ii) what they consider would resolve the dispute; and
- iii) what they consider their material detriment to their existing terms and conditions to be; and, give an indication of their actual loss. or:

B

- i) if and why they believe their dispute relates to designated employer;
- ii) what they consider would resolve the dispute; and
- iii) whether they consider that there is material detriment to their existing terms and conditions, and if so, give an indication of their actual loss. Employers must indicate to employees whether they consider a dispute fulfils the above criteria and thus can be taken to the RPA Independent Third Party Dispute Resolution. The employee may appeal an employer's decision, including appealing ultimately to the RPA Independent Third Party Dispute Resolution Procedure, in this regard. This could be either an individual or panel within the organisation.

- 5.8 The model for the RPA Independent Third Party Procedure is drawn from the principles applying to the Procedural Arbitrations provided by the Labour Relations Agency (LRA) for a range of public sector bodies together with the good practice elements of the statutory arbitration schemes. The RPA Independent Third Party Dispute Resolution Procedure will be a three person panel procedure; the Chair will be provided by the LRA, wing members will be nominees from public service employers and trade unions who will be trained through the LRA. For further information please refer to Annex 1.
- 5.9 Where a complaint is upheld, the panel will make a determination to the employer to remedy any deficiencies found. If the deficiencies cannot be remedied, the panel will fix an amount of compensation which reflects actual loss incurred. Employers will implement the panel's determination.
- 5.10 Employers must make employees aware that the LRA must receive their appeal within six weeks from the date of conclusion of internal dispute resolution. If an appeal is received by the LRA which is outside this time limit, the matter will be referred to an arbitrator who may extend the time limit if it is concluded, in all the circumstances of the case, that it was not reasonably practicable to lodge the appeal in time. The appeal will follow the process set out at paragraph 5.11 below.
- 5.11 The key features of the RPA Independent Third Party Dispute Resolution Procedure for non-pension matters are outlined below:
- i) the employee notifies the LRA and the employer, in writing, of the decision to appeal to the RPA Independent Third Party Dispute Resolution Procedure within the time limit outlined at paragraph 5.10
 - ii) both parties send to the LRA Arbitration Secretary all relevant correspondence;
 - iii) the LRA appoints the panel who determines whether the appeal is within time, and that internal grievance/dispute resolution procedures have been exhausted;
 - iv) if the appeal fulfils the above criterion, the LRA Arbitration Secretary fixes a hearing date and the case is scheduled to be heard within six weeks from the date of conclusion of the internal dispute resolution;
 - v) if the appeal does not meet the criteria as set out in iii) above the LRA will notify both parties;
 - vi) written statements from both the employer and the employee must be submitted to the LRA Arbitration Secretary at least 2 weeks before the date of the hearing; and

- vii) the case is heard and the panel's determination is sent to both parties within 10 working days of the hearing. This constitutes the end of the process and there is no further appeal through this mechanism.

6 RPA Independent Third Party Dispute Resolution: Pensions Interpretation

- 6.1 This guidance applies to all employees in the RPA Affected Group, who will move to new organisations or to a new employer as a result of decisions on the Review of Public Administration and whose pension provision is transferred to another pension scheme as a result of that move.
- 6.2 This guidance applies in the handling of RPA appeals in respect of pension provision.
- 6.3 Individual employers are reminded that, by virtue of the Pensions (Northern Ireland) Order 1995, their pension schemes are required to operate an internal dispute resolution procedure for pensions – this is normally a two stage process. They should ask pension scheme trustees or managers to ensure that arrangements in place are capable of dealing with RPA related appeals and that scheme members have access to information on these arrangements.
- 6.4 Individual employers should ensure that arrangements are in place to provide for individual pension schemes to inform scheme members of their right of appeal to the RPA Independent Third Party Dispute Resolution Procedure for pension-related disputes as well as their right to be accompanied by a work colleague or represented by a trade union representative to the RPA third-party procedure by a work colleague or trade union representative. **The RPA Independent Third-Party Dispute Resolution Procedure is in addition to internal dispute resolution for pensions (see 6.3) and all the principle requirements of the internal process must continue to be met. Internal dispute procedures are to be exhausted before appeal to the RPA Independent Third Party Dispute Resolution Procedure**
- 6.5 In line with current statutory provisions, claims of maladministration, if unresolved during internal dispute resolution, may be referred to third-party dispute resolution in the form of the Pensions Advisory Service. If it still remains unresolved the dispute can be further referred to the Pensions Ombudsman. This will therefore include claims in respect of maladministration where the claim has arisen as a result of RPA. **The procedure detailed at paragraph 6.11, therefore, provides for RPA Independent Third Party Dispute Resolution Procedure where claims do not meet the criteria as laid down by the Pensions Ombudsman.**
- 6.6 Scheme members should be made aware that the Pensions Ombudsman will normally only investigate a complaint within three years of the relevant act or omission or within three years of the date the scheme member knew or reasonably ought to have known of the act or omission happening.
- 6.7 The model for the RPA Independent Third Party Procedure is drawn from the principles applying to the Procedural Arbitrations provided by the LRA for range of public sector bodies together with the good practice elements of the statutory arbitration schemes The RPA Independent Third Party Dispute Resolution Procedure will be a three person panel procedure; the Chair will be provided by the LRA, wing members will be nominees from public service employers and trade unions who will be trained through the LRA. For further information please refer to Annex 2.
- 6.8 Where a complaint is upheld, the panel will make a determination to the employer to remedy any deficiencies found. If the deficiencies cannot be remedied, the panel will

fix an amount of compensation which reflects actual loss incurred. Employers will implement the panel's determination.

- 6.9 Employers must make employees aware that to bring forward an appeal they must do so within three years of the relevant act or omission or within three years of the date the scheme member knew or reasonably ought to have known of the act or omission happening. Employers must also make employees aware that the LRA must receive their appeal in writing within 6 weeks from the date of conclusion of internal dispute resolution. The parties will do all things necessary for the proper conduct of the appeal hearing. This includes complying with any orders or directions of the Panel and co-operating with the arrangements of the hearing.
- 6.10 The RPA Independent Third Party Process outlined at 6.11 does not cover disputes in respect of maladministration which are within the remit of the Pensions Advisory Service and the Pensions Ombudsman. For further information in relation to third party dispute resolution in this regard please see paragraphs 6.5 and 6.6 above.
- 6.11 The key features of the RPA Independent Third Party Procedure for pensions are outlined below:
- i) the employee notifies the LRA and the employer, in writing, of the decision to appeal to the RPA Independent Third Party Dispute Resolution Procedure within the time limit outlined at paragraph 6.9;
 - ii) both parties send to the LRA Arbitration Secretary all relevant correspondence;
 - iii) the LRA appoints the panel who determines whether the appeal is within time, and that internal grievance/dispute resolution procedures for pensions have been exhausted;
 - iv) if the appeal fulfils the above criterion, the LRA Arbitration Secretary fixes a hearing date and the case is scheduled to be heard within 6-8 weeks. Where necessary, the panel will appoint an actuary to independently assess the case and to provide them with a report and, where necessary, an assessment of the actions required. The cost of the actuary will be met by the respondent employer;
 - v) if the appeal does not meet the criteria as set out in iii) above, the LRA will notify both parties;
 - vi) written statements from both the employer and the employee must be submitted at least 2 weeks before the date of the hearing; and
 - vii) the case is heard and the panel's determination is sent to both parties within 10 working days of the hearing.

This constitutes the end of the process and there is no further appeal through this mechanism.

BY EMAIL

20 August 2014

Dear Colleague

**DRAFT MODEL ONE STEP GRIEVANCE PROCEDURE
TO LINK WITH THE RPA INDEPENDENT THIRD PARTY DISPUTE RESOLUTION
PROCEDURE**

Please find enclosed for your attention a copy of a draft Model One Step Grievance Procedure to Link with the RPA Independent Third Party Dispute Resolution Procedure prepared by the Local Government Reform Joint Forum (the Joint Forum).

The Joint Forum wishes to seek comments on this draft Policy from Local Consultation and Negotiation Forums prior to it being finalised.

I would be grateful if you could provide any comments to the Joint Forum Secretariat by 26 September 2014.

Should you require any further information, do not hesitate to contact me, or in my absence Diana Stewart at Commission Offices.

It is the intention of the Joint Forum to consider the comments received at its October meeting with a view to issuing the Policy early in 2015.

Yours sincerely



Dermot O'Hara
Secretariat to the Joint Forum

Encs

G

Subject	Capacity Building
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To inform members on the arrangements put in place to build capacity and ensure that Councillors and staff are ready to meet the challenges of change and of a new organisation, thus a programme of capacity building has been developed for elected members, senior staff and other staff across the 3 Councils.

2	Background
2.1	<p>On 1st April 2015, Mid Ulster Council will take full responsibility for the delivery of services currently provided by Cookstown, Dungannon & South Tyrone and Magherafelt Councils, along with a range of functions transferring from central government and new powers coming to Mid Ulster District Council, stemming from the Local Government Act (NI) 2014.</p> <p>Central to making all preparations will be Mid-Ulster District Council's 40 members, the Mid Ulster Chief Executive, staff appointed to assist the Chief Executive throughout the transitional period and all other staff as required from the existing Councils.</p> <p>All members and staff as required will need varying levels of learning support to become fully involved in the transition process coupled with measures and programmes designed to continually build the capacity of everyone moving into the new organisation beyond 1st April 2015. Direct support will also be required to assist members and Mid Ulster District Council's transition team to undertake programmes of work through 2014-2015.</p>

3	Key Issues
3.1	<p>The Capacity Building plan has been structured and developed through a series of programmes focussing on the following themes:</p> <ul style="list-style-type: none"> • Induction • Building Knowledge • Supporting Transition and Change <p>The programmes and support measures focus on systems development and new business thinking rather than direct service delivery.</p> <p>The Capacity Building Plan will be delivered in quarterly blocks (September to December 2014 & January to March 2015)</p>

	<p>The training is being alternated where possible between Councils within the Mid-Ulster Cluster.</p> <p>This is only the first strand of the Capacity Building Plan. Further training will be rolled out to elected members, transition team, senior management and officers in preparation for the new Mid-Ulster Council.</p>
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4	Resources
4.1	<p><u>Financial</u> Funded from within DOE Capacity Building Budget, Local Government Staff Commission and Local Government Training Group.</p>
4.2	<p><u>Human</u> Administration process delivered by current HR services within the 3 Councils.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u> External trainers sourced from LGTG select list</p>
4.4	<p><u>Other</u> N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	N/A

7	List of Documents Attached
7.1	Main Capacity Building Plan for Mid Ulster Council

Mid Ulster District Council

Capacity Building Plan

2014 - 2015

Background

On 1 April 2015, Mid Ulster District Council will take full responsibility for the delivery of services currently provided by Cookstown, Dungannon & South Tyrone and Magherafelt Councils, as well as for a range of functions transferring from central government (such as Planning) and some new powers (including Community Planning).

The Council's 40 elected members are at the centre of The preparations for 1 April 2015, working with the new Chief Executive and staff appointed to assist him, as well as with staff from across the 3 existing councils to ensure a smooth transition.

To help ensure that Councillors and staff are ready to meet the challenges of change and of a new organisation, a programme of learning and support – or capacity building - has been developed for the elected members, senior staff and other staff as appropriate.

Capacity Building Plan: Structure

This Capacity Building Plan is structured and will be delivered through a series of programmes focusing on:

- **Induction**
- **Building Knowledge**
- **Supporting Transition & Change**

Programmes and support measures will focus on systems development and new business thinking rather than direct service delivery.

Mode of Delivery

The Capacity Building Plan will be delivered in two blocks: September to December 2014 and January to March 2015.

Training is being delivered where possible in venues across all three councils in the Mid Ulster Council area. This part of the plan relates to training from September to December and the timetable for training for the next period (January to March) will be available in December.

1.0 Induction

Programmes which will inform all members and staff on new business practices, legislative requirements, policies and procedures at the start of the transition period and leading into the new council on 1 April 2015.

Course Title	Duration	Course Date & Time	Course Location	Trainer
Elected Member Induction: Ethics & Standards *Open to Elected members	2 – 3 hour session	29th Sept (5.00 - 8.00pm) 21st Oct (5.00 - 8.00pm)	Magherafelt Council Offices Dungannon Council Offices	Harry McConnell
Key learning objectives: Public Life Principles / Legislative Context / Code of Conduct for Councillors / Officer - Councillor Relationships / Scope of NI Ombudsman / Complaints and investigation.				
Elected Member Induction: Role & Responsibilities *Open to Elected members	2 – 3 hour session	18th Nov (5.00-8.00pm) 20th Nov (5.00-8.00pm)	Cookstown District Council Offices Ranfurly Arts Centre, Dungannon	Harry McConnell
Key learning objectives: Role of the Councillor / Corporate & Civic Leadership / Scrutiny Role & committees / Conduct at meetings / Serving on Committees / Serving on external bodies.				
Overview of Planning for Councillors *Open to Elected members	1/2 day	17th Sept (5.30 – 9.00pm)	Guildhall, Derry	DOE
Key learning objectives: New planning system / Relationship with Central Government / Operational Transitional Arrangements / Planning Principles and Policy Overview / Legislative Framework				
Development Plans and Working with Community * Open to Elected members	1/2 day	22nd Oct (5.30 – 9.00pm) 23rd Oct (10-2pm)	Magherafelt Council Offices Magherafelt Council Offices	DOE
Key learning objectives: Introduction to Development Plans, Community Planning & Planning, Council Cluster Development Plans, Planning Appeal (Development Plans & Development Management Process).				

Practical Planning * Open to Elected members	1/2 day	26th Nov (5.30-9.00pm) 27th Nov (10-2pm)	Magherafelt Council Offices Burnavon, Cookstown	DOE
Key learning objectives: The Planning Portal / Development Management Process / Enforcement / Judicial Review (for Development Management and Enforcement)				
Role of Councillors in Planning - Propriety and Outcomes * Open to Elected members	1/2 day	8th Jan (10-2pm) 28th Jan (5.30-9.00pm)	Ranfurly Arts Centre, Dungannon Omagh Council Offices	DOE
Key learning objectives: Introduction to Code of Conduct / Planning Committee Role Play / Planning Appeals				
ipad Training for Meetings * Open to Elected members	1 ½ hr session	25th Sept (3.00 – 5.00pm) 14th Oct (5.00 – 7.00pm) 12th Nov (5.00 – 7.00pm)	Dungannon Council Offices Dungannon Council Offices Cookstown Council Offices	Coalisland Training Services
Key learning objectives: Getting the most out of your ipad for meetings / Filing and Sending Emails / Creating Folders and Organising in Adobe / Connecting to Wifi / Security				

1.1 Building Knowledge

Programmes aimed at providing members and staff with knowledge and expertise to bring new thinking and ideas to the transition process and Mid Ulster District Council.

Course Title	Duration	Course Date & Time	Course Location	Trainer
Local Government Finance Basics * Open to Elected members / Senior Management Team / Transition Management Team	3 hour session	23rd Sept (1.00-4.30pm) <i>Staff</i> 23rd Sept (5.00-8.30pm) <i>Mem</i>	Magherafelt Council Offices Magherafelt Council Offices	CIPFA
Key learning objectives: Legislative Basis / How the Council is Funded / Rates Setting / Income generation				
Prudential Code, Local Government Finance Act * Open to Elected members / Senior Management Team / Transition Management Team	3 hour session	20th Oct (1.00-4.30pm) <i>Staff</i> 20th Oct (5.00-8.30pm) <i>Mem</i>	Cookstown Council Offices Cookstown Council Offices	CIPFA
Key learning objectives: Aspects of Code / Requirements of the Code / New Governance Requirements / Good practice arrangements				
Introduction to Corporate Governance * Open to Elected members / Senior Management Team / Transition Management Team	3 hour session	17th Nov (1.00-4.30pm) <i>Staff</i> 17th Nov (5.00-8.30pm) <i>Mem</i>	Cookstown Council Offices Cookstown Council Offices	CIPFA
Key learning objectives: Aspects and Principles / Importance of Good Governance / Responsibilities on Governance / Building a good governance framework				
Importance of the Audit Committee * Open to Elected members / Senior Management Team / Transition Management Team	3 hour session	15th Dec (1.00-4.30pm) <i>Staff</i> 15th Dec (5.00-8.30pm) <i>Mem</i>	Gardner Hall, Dungannon -Park Scotch St. Carpark	CIPFA
Key learning objectives: Role of Audit Committee / Role of Member / What to look for in Audit Reports / Audit Committee Best Practice.				

Handling Media with Confidence <i>(Only 6 places available per course)</i> * Open to Elected members * Open to Transition Team (if spaces are available)	1 day	9th Oct (9.30 – 4.00pm) 6th Nov (9.30 – 4.00pm)	Ranfurly Arts Centre, Dungannon Cookstown Council Offices	Marcomm
Key learning objectives: Dealing with Broadcast Media / Techniques for Radio & TV interview / Prepare and Deliver Messages / How to Prepare for Interview				
Project Management Practices and Principles * Open to Managers & Staff with responsibility for project management	1 day	9th Oct (9.15 – 4.30pm) 5th Nov (9.15 – 4.30pm)	Magherafelt Council Offices Ranfurly Arts Centre, Dungannon	NEREO
Key learning objectives: Understand varying techniques / Importance of Management / Applying varying techniques / How to carry out RIE				
Leading and Implementing Change (Collaborative Working) * Open to Managers & Supervisors	1 day	10th Oct (9.15 – 4.30pm) 6th Nov (9.15 – 4.30pm)	Ranfurly Arts Centre, Dungannon Magherafelt Council Offices	NEREO
Key learning objectives: Successful change programmes / Tools and techniques to implement change / Leading / Supporting / Embedding / High Performing Teams				
Finance for Non-Finance Professionals * Open to Managers & Staff with responsibility for budgets	1 day	8th Dec (9.30 – 4.30pm)	Magherafelt Council Offices	CIPFA
Key learning objectives: Budget Management / Reviewing Financial Statements / Understanding financial basics				
Communicating and Influencing with Impact * Open to Managers	1 day	4th Nov (10.00-5.00pm) 17th Nov (10.00-5.00pm)	Magherafelt Council Offices Ranfurly Arts Centre, Dungannon	Jackie Darcy
Key learning objectives: High Impact Communication / Increasing Influencing Skills / Focus on Internal and external communication				

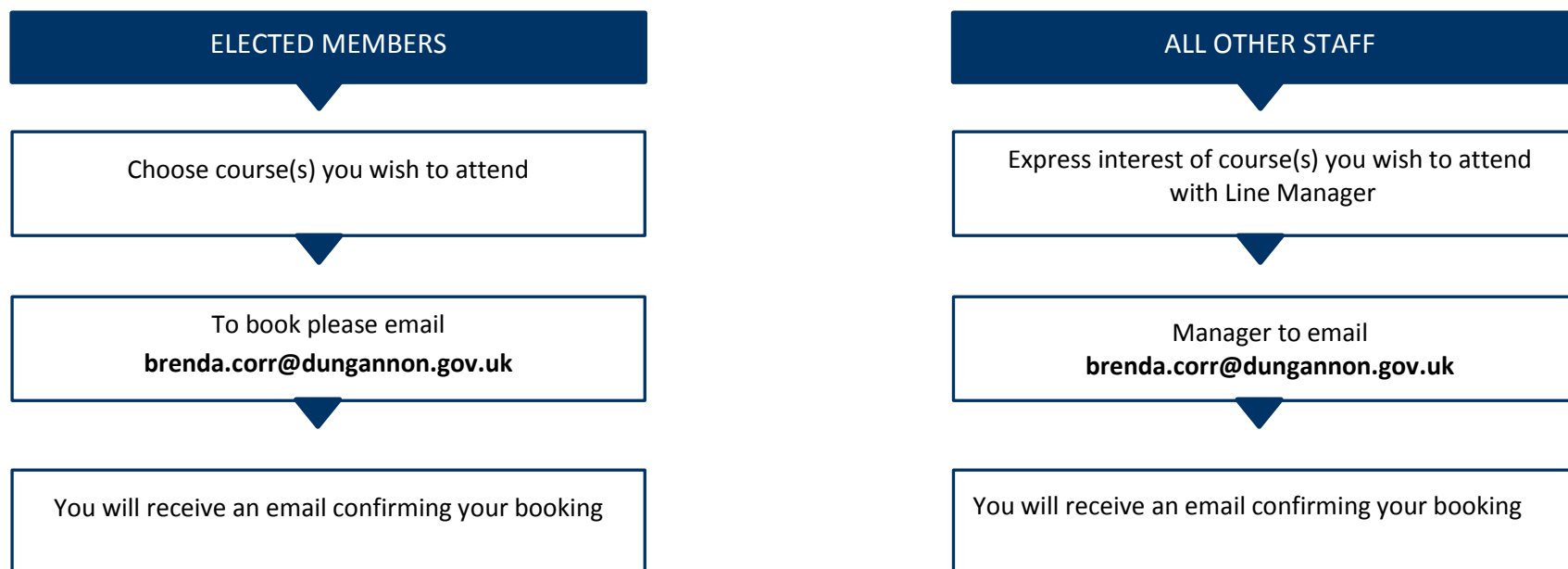
1.2 Supporting Transition and Change

Engagement of external support to facilitate the creation and implementation of new systems of doing business and governance arrangements within the new council. There will also be knowledge transfer opportunities.

Course Title	Duration	Course Date & Time	Course Location	Trainer
Information Sessions *Open to all staff	1 hour session	Oct / Nov / Dec (details to follow)	Cookstown, Dungannon, Magherafelt	Chief Executive and Transition Team
Key learning objectives: Chief Executive and Transition Team undertake a round of bi-monthly engagements with staff across Mid-Ulster Cluster				
Planning Committee Study Visit *Open to Elected Members and designated staff	2 days study tour	w/c 17th – 21st Nov	Programme being developed	Partner Council
Key learning objectives: To build knowledge of the planning function and experience good practice on the delivery of planning.				

Course Booking Process

To book a place on a course, please email Brenda in Human Resources Division on **brenda.corr@dungannon.gov.uk** specifying name of course and detailing which session/location you will be attending i.e. afternoon or evening etc. Alternatively Brenda can be contacted on **028 87 728125**



NB: All course booking should be received no later than Friday 26th September 2014

Please note refreshments will be served at all training events, e.g. lunch will be served at 1pm prior to training sessions commencing in the afternoon, and evening tea will be provided at 5pm prior to training commencing in the evening.

H

Subject	Draft Location, Relocation and Expenses Policy
Reporting Officer	Lead HR Officer

1	Purpose of Report
1.1	To inform members that a response on behalf of the Mid Ulster Council, to the above Draft "Location, Relocation and Expenses Policy", issued by LGRJF 20 August 2014 has been submitted.

2	Background
2.1	This draft policy was prepared by the Task and Finish Working Group established by the Local Government Reform Joint Forum, and was issued by the LGRJF on 20 August 2014, seeking comments to be returned by 26 September 2014, therefore the return from the Mid Ulster Council has already been submitted.

3	Key Issues
3.1	The period of time for payment of excess mileage in relation to a change of place of employment should be 3 years rather than 4 years, in line with Central Government policy.
3.2	Additional mileage incurred should actually be paid at public transport rate rather than the normal NJC mileage rates, this would be a much more affordable option.

4	Resource Implications
4.1	<u>Financial</u> – N/A
4.2	<u>Human resources</u> – N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> - N/A
4.4	<u>Other</u> – N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	N/A

7	List of Documents Attached
7.1	Appendix 1 - LGRJF Draft Location, Relocation and Expenses Policy
7.2	Appendix 2 - Letter from LGRJF regarding above document



facilitating local government reorganisation

(NAME) COUNCIL

DRAFT

LOCATION, RELOCATION AND EXPENSES POLICY

(August 2014)

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1.0 INTRODUCTION

- 1.1 This policy will be applied following the outcome of a reorganisation process which has identified the need for relocation in line with an agreed procedure and guidance, specifically the Local Government Reform Joint Forum Circular No LGRJF/08 “Procedure for the Filling of Posts in the New Council Structures” issued in June 2014.
- 1.2 This policy on Location, Relocation and Expenses will make provision for circumstances where officers incur additional expenditure, such as, additional daily travel. It will also set out the parameters within which any reimbursement for expenses or payment of allowances is made.

2.0 SCOPE

- 2.1 This policy covers those staff employed on *31 March 2015* who will transfer on *01 April 2015* to a new or different local government organisation as a result of the reform of Local Government and in accordance with the Local Government Act 2014. It includes provisions to addresses situations where employees are:
 1. Affected by reorganisation arising from the reform of local government and;
 2. Have a change (either temporary or permanently) in their work base and;
 3. Incur additional expenditure as a result of relocation.
- 2.2 It should be noted that it is not anticipated the reform programme will result in large numbers of staff relocating, however, relocation has not been a major issue for many councils and there is therefore no policy framework to draw from in the past.

3.0 CONTEXT

- 3.1 This policy has been developed in accordance with the following:
 - the NI Executive’s Seventh Guiding Principle and associated recommendations on Location (RPA Circular 3/2007) as recommended by the Public Service Commission (PSC) - copy attached at Appendix 1.

4.0 CHANGE OF LOCATION

Where an officer is required to change their work location as a result of organisation restructuring, the following provisions will apply:

4.1 Officers Not Required to Move Homes

Officers who incur additional travel costs as a consequence of a move to their new work base will normally only be entitled to claim excess travelling expenses, ie, an allowance equal to the difference between the cost of travelling:-

- (a) from their home to their new work base; and
- (b) from their home to their old place of work base.

4.2 Basis for Payment

This payment is taxable though payroll. Such allowances shall be paid for a period of 4 years and shall be based on either:-

- (a) second-class train and/or
- (b) bus fares; or
- (c) mileage allowance in respect of the additional mileage actually incurred in the change of place of employment if the officer is an authorised car user; or where public transport is not available;

whichever is actually incurred.

4.3 Travel to Other Location

Where an employee in receipt of excess travelling expenses does not travel directly between their home and their normal work base the following will apply:

- (a) **Home to site(s) to new base or new base to site(s) to home** - mileage or public transport expenses to be calculated as if the employee is still working at the old base i.e. actual less home to old base. All expenses to be claimed as normal business expenses.
- (b) **Home to site(s) to home** - as (a) except that the return journey between home and old base will be deducted.

Journeys beginning or ending at the new base will be calculated by reference to the new base with the actual mileage or public transport costs claimed as a business mileage journey.

4.4 Mileage Allowances

The allowances paid will be the same as those set for normal business mileage by the council and compliant with HM Revenue and Customs regulations – see their website <http://www.hmrc.gov.uk/payerti/exb/a-z/t/travel.htm> for further information.

4.5 Officers Required to Move Homes

Where it is deemed and agreed by the by the council that relocation is essential as a result of local government reform the conditions and entitlements will be as per the policy attached as Appendix 2.

Any payments made must be compliant with HM Revenue and Customs regulations – see their website <http://www.hmrc.gov.uk/payerti/exb/a-z/r/relocation.htm> for further details.



SEVENTH GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS

LOCATION

Introduction

1. The Commission's role is to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998.
2. In pursuance of that role, the Commission's approach to location is represented in the Guiding Principle and Associated Recommendations described below. In formulating the Guiding Principle and associated recommendations, the Commission has also had due regard to Government's commitment, as set out in the statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies."
3. The Public Service Commission has consulted the Executive, the sectoral Staff Commissions and representatives of NIC/ICTU about the most appropriate way to safeguard the interests of staff and ensure their smooth transfer into new organisations with respect to changes in workplace location.

Guiding Principle

4. The Commission recognises that workplace location is of major importance to staff and that as the Review of Public Administration is implemented decisions will have to be taken on location. The Commission **recommends** that, in consultation with Trade Unions and other staff representatives, the Executive should develop an overarching location framework strategy for all public services. In developing such a strategy, full consideration should be given to safeguarding the interests of staff. The Commission considers that any decision on the location of a workplace must be objectively justified and reflect, as far as possible, an equitable distribution of Public Sector jobs.

Associated Recommendations

5. The Commission **recommends** that:
 - Employers should aim to minimise hardship and domestic disruption as far as possible, within management needs, of those staff who face a change of workplace location. This should require ascertaining the personal preferences of staff, taking into account, for example, the domestic circumstances of employees, any relevant health factors or employee commitments such as caring for dependants.

- The Executive should ensure the consistent and effective application of the overarching framework strategy across the public sector. The overarching framework and its detailed application at sectoral level should:
 - Be subject to consultation with trade unions and other staff representatives;
 - Stress equality considerations, Lifetime Opportunities – Northern Ireland Anti- Poverty and Social Inclusion Strategy, A Shared Future Policy Framework and Rural Proofing;
 - Require a business case to justify significant staff relocations;
 - Emphasise effective communication to ensure that all employees are made aware of the location strategy and policies;
 - Support the full use of technology e.g. video conferencing, EGovernment initiatives to mitigate against workplace location disruptions;
 - Establish what constitute reasonable travel to work distances, taking account of, for example, access routes and the availability and frequency of public transport;
 - Offer flexible working practices and any other relevant HR policies which have regard to management needs and which would help to alleviate staff difficulties associated with a change in workplace location;
 - Detail the mechanism by which staff may appeal against a change of workplace location;¹⁷

And in addition;

- Where contractual entitlements do not provide for reimbursement of expenses in respect of re-location, employers should make provision for reimbursement of reasonably incurred additional travelling or other removal expenses as a consequence of a change of workplace location on a basis which is comparable to that provided by other employers in the RPA Affected Group.
- Employers should, on a case by case basis, provide for reimbursement of reasonably incurred expenses outside this where they consider that exceptional circumstances exist.

¹⁷ This mechanism will be contained in a Code of Practice on Staff Transfers.

- In line with the 3rd Guiding Principle employers should in addition provide compensation for employees who suffer other material detriment as a consequence of a relocation outside the scope of any applicable mobility clause.¹⁸
- Ensure that employers, in consultation with Trade Unions, support those employees whose place of work, or work function changes. Such support should include, but not be limited to capacity building, retraining and career counselling as appropriate.

6. Commentary

Commissioners have already recognised the tensions which could arise between the range of principles contained in the document “A Policy and Guiding Principles for the Location of Public Sector Jobs”. Commissioners considered that any decision on location needed, in particular, to be consistent with established Government policies on equality, Regional Development and Sustainable Development and that compensation should be made to staff who suffer material detriment as a consequence of a relocation outside the scope of any applicable mobility clause¹⁸

SID McDOWELL
PUBLIC SERVICE COMMISSION
CHAIRMAN
12 October 2007

¹⁸ A mobility clause is a term in a contract of employment that identifies the degree to which employees may be required to move from one workplace location to another. Alternatively this could be known as location/base arrangements.

RPA GUIDANCE NOTE: 7th GUIDING PRINCIPLE - LOCATION

Introduction

1. This Guidance Note confirms that the Executive has accepted the Public Service Commission's 7th Guiding Principle, Location and is issued to assist and provide clarification to Departments and public sector employers in the RPA Affected Group on the practical implementation of the Guiding Principle.

Key Principles

2. Employers must ensure that any decision on the location of a workplace must reflect, as far as possible, an equitable distribution of Public Sector jobs¹⁹ and be objectively justified, in particular, in terms of giving full consideration to safeguarding the interests of staff. Employers must seek to balance these factors as objectively as possible and be aware that there will be other additional factors that will need to be considered and balanced alongside these.
3. Where existing staff face a change of workplace location, employers must ensure that they carefully consider both the needs of business and staff's personal preferences, where possible, in the decision-making process and maintain an appropriate balance between these two factors. In doing so, employers should remain conscious of other factors that will need to be considered and balanced alongside these²⁰
4. Employers should consistently and effectively apply the overarching "Framework to Underpin Decisions on the Location of Public Sector Jobs Resulting from the Review of Public Administration²⁰" in their sector. **In applying the Framework, employers should pay particular attention to the Public Service Commission's 7th Guiding Principle on Location as agreed by the Executive** and ensure that the Framework's detailed application in their sector:
 - is subject to consultation with trade unions and other staff representatives;
 - gives due cognisance to equality and good relations;

¹⁹ The equitable distribution of Public Sector jobs needs to be viewed in sectoral and employer contexts reflective of the nature of the organisations involved.

²⁰ For further information please refer to the "Framework to Underpin Decisions on the Location of Public Sector Jobs Resulting from the Review of Public Administration" –http://www.rpani.gov.uk/estates_framework.pdf. Please note that a review of policy on the location of public sector jobs in Northern Ireland is currently underway. The framework will be considered as part of the policy review and therefore may change as a result of the final outcome. However, in the interim it should be applied to any decisions being made about the location of RPA-related bodies.

- requires a business case to justify significant staff relocations;
 - emphasises effective communication to ensure all employees are made aware of the location strategy and policies;
 - supports the full use of technology to mitigate against workplace disruptions;
 - establishes, if not already established in their organisation, what constitutes reasonable travel to work distances, taking account of, for example, access routes, the availability and frequency of public transport and personal circumstances; and,
 - offers and gives proper consideration to flexible working practices and other relevant HR policies which have regard to management needs and which would help to alleviate staff difficulties associated with a change in workplace location.
5. Appeals against a change of workplace location should be addressed through the existing internal grievance procedures and, if appropriate, through the third party dispute resolution procedures which will be developed in response to the PSC's 3rd Guiding Principle (Staff Transfers).
 6. Where existing contractual entitlements do not provide for reimbursement of expenses in respect of re-location, employers must provide for reimbursement of reasonably and necessarily incurred additional travelling or other removal expenses as a consequence of a change of workplace location on a basis which is comparable to that provided by other employers in the RPA Affected group. As a matter of process, employers should look to other arrangements in place in their sector in the first instance. Employers should also, on a case by case basis, provide for reimbursement of reasonably incurred expenses outside this where they consider that exceptional circumstances exist. In addition, in line with the 3rd Guiding Principle, employers must provide compensation for employees who suffer other material detriment as a consequence of relocation outside the scope of any applicable mobility clause²¹ or who are transferred contrary to the terms of their Staff Transfer Scheme.
 7. Efforts should be made within sectors to clarify for relevant employers the arrangements for implementation of paragraph 6 above. Such arrangements should include guidance on the duration and amount of any reimbursement or where appropriate compensation to be provided.

²¹A mobility clause is a term in a contract of employment that identifies the degree to which employees may be required to move from one workplace location to another. Alternatively this could be known as location/base arrangements.

8. Employers should ensure that, in consultation with Trade Unions, support is provided for those employees whose place of work or work function changes. Such support should be appropriate to the particular circumstances of the employees concerned and could include, but not be limited to, capacity building, retraining and career counselling as appropriate.

Action Required

9. All Employers are required to implement the key principles outlined in paragraphs 2 – 8 above at the appropriate point in implementation plans.

RPA CENTRAL UNIT
11th July 2008

EXTRACT FROM THE NORTHERN IRELAND CIVIL SERVICE HANDBOOK

Section 9.15

Refunds of and Assistance with Expenditure Incurred on Removal

1 Rent Allowance

Rent Allowances for Accommodation at the New Station before Transfer

- 1.1** A rent allowance is payable to the following officers in respect of accommodation secured at the new station before transfer:
- a.** officers with dependants who obtain lodgings for their own use; and
 - b.** officers without dependants who obtain furnished accommodation (including lodgings) or unfurnished accommodation; and
 - c.** officers with dependants who, having been officially informed of a permanent transfer, obtain temporary or permanent family accommodation (furnished or unfurnished).
- 1.2** The rate of allowance payable in accordance with section 1.1 a. and b. above will be the same as the rent you are paying for the accommodation at the new station within the limit of the rate of retention of rooms allowance (see Handbook section 'Travel and Subsistence', policy 9.13 Subsistence Allowances Annex 1 part iv). Payment cannot continue in normal cases for longer than 4 weeks unless the Department considers that there is justification for payment over a longer period, in which case the period may be extended at Departmental discretion to 13 weeks. The only exception to this ruling is that of bulk moves, where payment can continue throughout the full period of notice (see policy 9.14 General Removal Expenses section 3.3 for time limits).
- 1.3** The rate payable to you if you have dependants in accordance with section 1.1 c. is dependent upon your still renting or owning the home you occupied at the station from which you are to be transferred. (If, before the date of transfer, you cease to rent or own your accommodation at the station from which you are to be transferred, the allowance should be recalculated as an Additional Housing Costs Allowance under the terms of policy 9.16 Assistance with the Cost of Setting up a New Home sections 5.1 to 6.25). The allowance should be the same as the rent or imputed rent (assessed in accordance with the provisions relating to the calculation of AHCA) of the accommodation at the new station within the limit of the rate of lodging allowance. Payment may continue in normal cases for no longer than the 13-week period prior to the date of transfer. During bulk moves payment can continue throughout the full period of notice (see 9.14 General Removal Expenses section 3.3 for the time limits).

Rent Allowances for Accommodation at the New Station after Transfer

- 1.4** A rent allowance is payable after transfer in respect of accommodation at the new station if:
- a.** as a householder you necessarily incur a rent liability at the new station for unfurnished accommodation which you cannot occupy immediately (for example because of unavoidable delay in the removal of furniture);
 - b.** as a householder you are unable to terminate a rent liability for temporary furnished or temporary unfurnished accommodation at the new station immediately upon obtaining permanent unfurnished accommodation there;
 - c.** as a non-householder with dependants, who is in receipt of an Additional Housing Costs Allowance (AHCA) in accordance with policy 9.16 Assistance with the Cost of Setting up a New Home sections 6.12 et seq you are unable to terminate a rent liability for furnished accommodation at the new station immediately upon obtaining cheaper furnished accommodation there.
- 1.5** The rent of the accommodation at the new station should be assessed in accordance with the provisions relating to calculation of AHCA. If any part of the accommodation is sub-let, an appropriate deduction should be made when the allowance is calculated.
- 1.6** No allowance can be paid during any period in which an officer is being reimbursed in respect of interest charges on bridging finance (see policy 9.16 Assistance with the Cost of Setting up a New Home sections 2.1 to 2.7).
- 1.7** In all cases the limit on reimbursement is the rate of lodging allowance and payment can continue for up to four weeks (or exceptionally, at Departmental discretion, for up to three months).
- 1.8** If you transfer a tenancy in order to terminate your liability for the accommodation at the new station you may be reimbursed the cost so incurred (see also 9.16 Assistance with the Cost of Setting up a New Home).

2 Reimbursement of Cost of Moving and if necessary Temporary Storing of Furniture and Effects

Eligibility

- 2.1** Subject to the provisions of section 2.3 to 2.20 below, staff of all categories are eligible for reimbursement of the cost of moving and storing furniture and effects.

Conditions of Payment

- 2.2** Reimbursement may be made of the cost of moving your furniture and effects to store pending acquisition of unfurnished accommodation at the new station and from store on acquiring such accommodation; and of the cost of moving furniture and effects to the new station, if necessary in advance of the transfer.

- 2.3** When furniture is to be removed, three competitive tenders should be obtained in writing. You should seek tenders personally from each contractor and should decline any offer made by a contractor to obtain estimates from other contractors. Departments should watch for evidence that tenders are not genuinely competitive. You may accept any tender but, unless there are good reasons for doing otherwise (for example, a prospective saving on subsistence allowances), reimbursement should be restricted to the amount of the lowest tender identified exclusive of VAT plus the corresponding amount of VAT due, if any. Tenders should be subject to the conditions under which removals are ordinarily undertaken by contractors and should not include special services (such as taking down or putting up fixtures and relaying or fitting floor coverings) for which separate arrangements can and should be made. If an insurance surcharge is imposed for furniture in transit or store it should be treated as part of the removal cost in comparing tenders. The number of vanloads and, whenever possible, the cubic content should be estimated in the tender and shown in the removal account. You should be asked to ensure that all tenders bear a certificate by the contractor to the effect that no cash or other inducements have been, or will be, offered by the contractor to you.
- 2.4** Household furniture and effects, including normal garden equipment, belonging to you or to any dependant member of your household at the time of transfer, may be removed within reasonable limits at public expense from the old home to the new, or to store at the old station and later to the new home. Departments may, at their discretion, allow the cost of removal to store at the new station if they are satisfied that no appreciable extra expense is likely to be involved.
- 2.5** The extra cost of insurance of furniture in transit or the full cost of any insurance surcharge that is imposed may be reimbursed as part of the cost of removal.
- 2.6** Livestock and animals other than domestic pets cannot be conveyed at public expense. Any extra expense involved in removing an article of a special character, such as a concert piano, must also be borne by you.
- 2.7** Pedal cycles, autocycles or motor-assisted bicycles belonging to you and to any dependant members of your household may be transported to the new station at public expense, but a motor cycle or motor car should normally be driven to the new station. When both you and your partner own a car, jointly or separately, the public transport rate of mileage allowance may be paid in respect of each car plus the supplementary passenger allowance of each passenger carried whose fare the Department would otherwise have paid (see policy 9.02 Official Travel sections 6.4 to 6.6). Travelling costs incurred by any other means should not normally be reimbursed. Mileage allowance cannot be paid in respect of a vehicle belonging to any other member of your household.
- 2.8** When it would be unreasonable to expect you to drive their vehicle to the new station (for example exceptionally long journeys by motor cycle, or when an invalid relative could not travel in the vehicle), Departments may at their discretion, meet the cost of transportation. In no circumstances may more than one vehicle be conveyed at public expense. Subsistence allowance may be granted if the time taken for the journey to the new station is not unreasonably long having regard to the vehicle, its passengers and the distance travelled.
- 2.9** When sea travel within the UK is necessary the cost may be met of transporting 2 vehicles only.

- 2.10** When as a householder you occupy temporary unfurnished accommodation at the new station, the cost of removing furniture and effects to the new home, and any balance to store, may be paid. Storage may be arranged at the new or the old station, whichever is likely to be the more economical. Similarly, if as a householder you occupy temporary furnished accommodation at the new station and necessarily carry out the removal piecemeal, you may be paid the full cost provided the Department is satisfied that you acted reasonably. This will apply, in particular, when most of your furniture is moved to store but small personal effects and articles such as a cot, prams, television, radio and chairs are moved to the temporary furnished accommodation.
- 2.11** If any articles of furniture and effects which are removable at public expense have to be stored for the time being, you may be reimbursed the storage charges. Reimbursement should continue only for such time as the Department is satisfied that you are making every effort to find suitable accommodation at the new station as soon as possible, and should cease:
- a.** if the temporary accommodation is designated permanent (see 9.16 Assistance with the Cost of Setting up a New Home, section 6) or
 - b.** when you move into unfurnished accommodation.
- 2.12** If the rent paid for temporary accommodation at the new station exceeds that paid at the old, storage charges should be met in full; if it does not, payment should be restricted to the amount by which the rent being paid at the new station plus the storage charges exceeds the rent paid at the old station. If you are a householder the allowance will be paid in full if the outgoings at the new location exceed those at the old. If they do not, payment should be restricted to the amount by which the rent being paid at the new station plus the storage charges exceeds the rent paid at the old station.
- 2.13** The extra cost of insurance in store should be treated as part of the storage charges and if an insurance surcharge is imposed it also may be reimbursed as part of the cost of storage.
- 2.14** The cost of unpacking, cleaning and repacking your furniture moved to store at public expense may be met, within the limit shown in Annex 1, after the first 18 months in store, and at intervals of not less than one year thereafter.
- 2.15** If you move furniture and effects piecemeal, see section 2.11, you may be reimbursed the cost of storing any balance of furniture while occupying temporary accommodation, subject to the terms of section 2.12.
- 2.16** The cost of storage may be reimbursed to you as a householder with dependants if you qualify for lodging allowance in accordance with sections 2.19 to 2.22 and if your furniture has been stored in whole or in part, if the rent of the accommodation to which your family has moved exceeds that which was payable at the old station, or if lodging allowance has been restricted to two-thirds. If the rent of the new accommodation is less than that of the old, storage charges may also be paid in full, but the lodging allowance should be reduced as prescribed in sections 2.21 and 2.22 unless this allowance has already been reduced to two-thirds.

- 2.17** The refund of removal expenses to you if you have dependants, give up your accommodation at the old station and move your family elsewhere than to the new station should be limited to the estimated cost of direct removal from the old home to the new home. A similar arrangement should apply for the refund of travelling expenses in the course of removal, the payment of subsistence allowance during removal, and a return visit to superintend removal.
- 2.18** If you were sent on detached duty and told that you would not return to your old permanent station and store your furniture and effects at your detached duty station, you should be refunded the total cost of removal from your old permanent station to the detached duty station and from there to a new permanent station within the limit of the estimated cost of direct removal from the old to the new permanent station.
- 2.19** If you have dependants and are transferred in the public interest after taking up your first appointment, but before you have been joined by your family at your first station, you should be paid the extra cost of removal of household furniture and family effects to the new station over the estimated cost of removal to the first station.
- 2.20** Some of you who are members of a grade for which the provision of an official residence or official quarters is not part of its general conditions of service may sometimes be required to occupy an official residence or official quarters when appointed to fill a particular post. When an established officer, who is occupying an official residence or official quarters in these circumstances, retires from the service and is required to vacate the official residence or quarters, the cost of removal of the their furniture and effects, and those of dependant members of the their family living at the residence at the date of retirement, to store or other accommodation within 10 miles of the official residence or quarters should be met. When removal is to a place more than 10 miles from the official residence or quarters, payment should be made of an amount equal to the estimated cost of removal from the official residence or quarters to a place 10 miles distant there from. The provisions of this section also apply when, on the death of an officer, the family are required to vacate an official residence which was occupied in the same circumstances as described above.

3 Transfer Grants

Scope

- 3.1** Transfer grants are lump-sum payments intended as commuted compensation for the additional expenses associated with permanent transfer which are not covered by other payments.

Eligibility

- 3.2** Subject to the rules set out in sections 3.2 to 3.7 and to the exceptions listed in this section a transfer grant is payable to anyone who qualifies for payment of expenses on:
- a.** being permanently transferred; or
 - b.** a detached duty posting being converted to permanent transfer.

A transfer grant is not payable to:

- a. you if you do not qualify for reimbursement of removal expenses;
- b. you if you have dependants and have not moved your family from the home at which you lived whilst serving at a previous station and who are transferred either back to that station or to one so near to it that they can rejoin your family there;
- c. you if you have dependants and have been permanently transferred again within 6 months of the date of a previous transfer and have received a full transfer grant in respect of the earlier transfer;
- d. you if you have dependants and have been permanently transferred again within 6 months of the date of a previous transfer and have received a transfer grant appropriate to an officer without dependants in respect of the earlier transfer, but have not been paid the balance of that grant because you have not been joined by your dependants at the station in respect of which the transfer grant was paid. If you are joined by your dependants at the new station, you may be paid the difference between the officer without dependants rate of grant last paid to them and the amount shown in Annex 2 on the basis of your family circumstances at that date;
- e. you if you do not have dependants and are transferred to a station within daily travelling distance of your parents' home at which you lived whilst serving at a previous station, except that Departments may, at their discretion, pay transfer grant in such a case if they are satisfied that you do not intend to resume living with your parents;
- f. you if you do not have dependants and have been permanently transferred again within 6 months of a previous transfer and have received a transfer grant in respect of the earlier transfer.

Conditions of Payment

- 3.3 A transfer grant becomes payable when you have taken up duty and continuous residence at the new station. If you have been transferred on bulk move terms you may, however, be paid a grant before taking up duty at the new station if you move there before your date of transfer. The rate of grant payable (see Annex 3) depends on whether you have dependants or not.
- 3.4 The grant paid to you if you have dependants should be restricted to the rate appropriate to an officer without dependants until you cease to be eligible for personal lodging allowance, by reason of being joined by your dependants at the new station. Payments of the balance of the grant should then be related to the family circumstances at the date of your permanent transfer and the balance of the grant, when aggregated with the "officer without dependants" grant already paid, should equal the appropriate rate of "officer with dependants" grant in force at the time you qualify for the balance. If you have dependants and have not been paid an "officer without dependants" grant you should be paid the rate of "officer with dependants" grant in force at the time you qualify for it as appropriate to your circumstances as at the date of transfer.
- 3.5 If payment of lodging allowance ceases for any reason other than that mentioned above, eligibility for payment of a balance of transfer grant does not normally arise, but may exceptionally be granted at Departmental discretion.

- 3.6** When two officers who are partners are transferred at the same time to the same district, and are consequently able to set up a new home together, both may be regarded as officers without dependants for the purposes of paying a transfer grant. Alternatively, if it is to your advantage, whichever of you opted to be regarded as an officer with dependants in accordance with policy 9.14 General Removal Expenses section 3.5 may be paid the appropriate officer with dependants grant, subject, of course, to the other conditions of payment being satisfied. In this case, no transfer grant can be paid to the other partner.

Repayment of Transfer Grant

- 3.7** If you resign or are transferred on voluntary terms within 12 months of qualifying for a transfer grant (or balance of transfer grant), you should normally be required to refund the amount paid to you. Departments may, at their discretion, exceptionally allow a grant to be retained if they are satisfied that the circumstances leading to the resignation or voluntary transfer were unforeseen at the time when the transfer grant was claimed and that there are good reasons for allowing you to retain the amount paid to you. Similarly, if, within 12 months of qualifying for a transfer grant, you return to live in the home you occupied while working at your former station, although continuing to work at the station to which you were transferred when the grant was paid, you should be required to refund the amount of transfer grant paid to you.

4 Other Admissible Expenses

Installing Household Appliances

- 4.1** Officers of all categories who occupied furnished or unfurnished accommodation at the old station and occupy such accommodation at the new may be reimbursed separately in respect of the following additional expenses:
- a.** the cost of installing a telephone in your new home if a telephone was installed in your home at the old station (reimbursement should be limited to the cost of the basic telephone installation, and additional costs for instruments other than of the general pattern, for second instruments or extensions must be ignored); and
 - b.** the reasonable vouched cost of installing a TV aerial when one was installed in your home at the old station; and
 - c.** the cost, within reasonable limits, of plumbing work involved in installing an automatic washing machine and/or dish washing machine in the new home if such a machine was fixed to the plumbing in the house at the old station.

Day School Fees

- 4.2** If you have dependants you may be reimbursed day school fees in the following circumstances:
- a.** when your child's travelling expenses to the new station are met from public funds; and
 - b.** when double payment necessarily arises because fees in respect of the school at the new station are incurred in addition to fees in respect of the school at the old station which have been paid to cover the remainder of the term current at the time of the family move.

- 4.3** School fees demanded in lieu of notice, or fines imposed for not proceeding with the education of your child at the old school (notwithstanding that the withdrawal is due to a removal from the locality) should be reimbursed. Reimbursement is subject to the production of satisfactory evidence that you have done your best to reduce your liability for such payments.

Payment Towards Lodging and Travelling Cost of a Child Unable for Educational Reasons to Accompany Parents on Permanent Transfer

- 4.4** When, for educational reasons, it is necessary for a transferred officer to leave your child at the old station, or for your child to be sent on to the new station in advance of the family move, and expense is incurred in maintaining your child in lodgings, or other accommodation, assistance may be granted towards this expense.
- 4.5** Assistance is at Departmental discretion and may only be given if your child has entered or is about to enter a course of study leading to an important examination, for example GCSE or 'A' level examinations. In the case of a child left at the old station, the head teacher must certify that your child has entered the two-year period of study leading up to the examination and that a change of school at the time of the family move would be prejudicial to your child's chances in the examination.
- 4.6** Half the vouched board and lodging costs incurred in maintaining your child may be reimbursed, normally within a maximum of the amount shown in Annex 3, provided the local education authority - either at the old or new station - is offering no assistance with board and lodging or school boarding costs for your child.
- 4.7** The period during which assistance with lodging costs may be given is a matter for Departmental discretion and may if necessary exceed one academic year. Assistance should not normally be necessary or given for the full period during which your child is studying for the examination in question (normally 6 terms). In the majority of cases it should not be necessary for your child to lodge independently at the old station for more than 5 full terms; the overriding consideration must be whether the timing of the transfer was such that your child had no option but to commence studies at the school at the old station. Therefore, if you are in a position to choose whether your child should commence the relevant course of study at the old or new stations you will not normally qualify for any assistance with lodging costs at the old station; but you may qualify for assistance at the new station if your child has to lodge there, to attend school, until being joined by your family.
- 4.8** You may be reimbursed reasonable travel expenses incurred by your child between school and home at the beginning and end of term, and also the cost of one return journey between school and home during each term. Reimbursement should be limited to 2nd class fares only.

Removal Expenses for Dependants of Deceased Officers

- 4.9** Departments have discretion to assist with removal and other expenses of the dependants of an officer who dies in service within 12 months of moving home following a permanent transfer in the public interest. No payment should be made in respect of legal expenses for house purchase or for excess rent.

Additional Insurance Liability

- 4.10** It is a requirement of the rules on permanent transfer that you should occupy permanent accommodation at the new station as quickly as possible after the date of transfer. In some cases this means that where a property has not yet been sold at the old station the property becomes empty.
- 4.11** It is common practice with insurance companies to reduce the insurance cover of empty residential properties. Advice from the Association of British Insurers (ABI) suggests that the following elements of a building policy may be excluded from the cover where the property is unoccupied for a period of more than 30 consecutive days:
- a.** Loss or damage occurring by malicious acts or vandalism.
 - b.** Loss or damage by theft or attempted theft.
 - c.** Loss or damage occurring during an escape of water from or frost damage to any washing machine, dishwasher, or plumbed-in domestic water or heating installation, or from a fixed water tank.
 - d.** Loss or damage occurring from leakage of oil from any fixed oil-fired heating installations.
 - e.** Accidental damage to fixed glass, including ceramic hobs forming part of the buildings or fixed sanitary ware forming part of the buildings.
- 4.12** Additional insurance cover for empty properties is not generally available and is often restrictive. Where some cover is available premiums are normally increased. It is important to note that an insurance company must be notified of the date a property becomes vacant. Failure to do so may result in the householder's policy being invalidated because of non-disclosure. For example, during a relocation your insurance will not cover the property whilst it is vacant unless the policy has been adjusted by insurers in view of the circumstances.
- 4.13** Departments should reimburse the increased insurance premium, provided that you meet the requirements of the insurance companies. It should be noted that where Departments reimburse the increased insurance premium this should not be included in the calculation of Continuing Commitment Allowance.
- 4.14** Where you are unable to obtain insurance cover for your empty property, Departments will compensate for damage suffered as a direct result of it being left empty provided there is no contributory negligence by you and the situation has arisen as a result of a permanent transfer.

ANNEX 1

Section 2.14

Reimbursement of Cost of Cleaning Furniture in Store

The limit on the reimbursement which may be made of the cost of cleaning furniture in store is £25.

Sections 3.1 to 3.7

Transfer Grants

wef

6 April 2005

Householder With Dependants

£3,694

Householder Without Dependants £2,246

Non-Householder Without Dependants £868

Sections 4.4 to 4.8

Payment towards Lodging and Travelling Costs of a child unable for Educational Reasons to Accompany Parents on Permanent Transfer

Limit on reimbursement of lodging costs (section 4.6)

The limit on reimbursement of lodging cost is £18.60 a week (with effect from 7 October 1991).

BY EMAIL

20 August 2014

Dear Colleague

DRAFT LOCATION, RELOCATION AND EXPENSES POLICY

Please find enclosed for your attention a copy of the draft Location, Relocation and Expenses Policy prepared by the Task and Finish Working Group established by the Local Government Reform Joint Forum (the Joint Forum).

The Joint Forum wishes to seek comments on this draft Policy from Local Consultation and Negotiation Forums prior to it being finalised.

I would be grateful if you could provide any comments to the Joint Forum Secretariat by 26 September 2014.

Should you require any further information, do not hesitate to contact me, or in my absence Diana Stewart at Commission Offices.

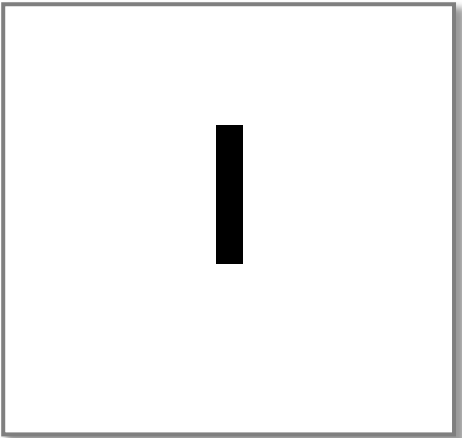
It is the intention of the Joint Forum to consider the comments received at its October meeting with a view to issuing the Policy early in 2015.

Yours sincerely



Dermot O'Hara
Secretariat to the Joint Forum

Encs



Subject: Data & System Convergence for Geographical Information Systems (GIS)

Reporting Officers: Barry O'Hagan & Nicky Doris

1	Purpose of Report
1.1	To update members on the convergence of ICT systems Council systems in particular progress : Proposed Geographical Information Systems convergence

2	Background		
2.1	<p>Each council has its own individual geographical information systems (MIS) to some extent which are maintained and utilised for various corporate spatial analysis. Cookstown has the only GIS specialist (PT) within its current provision. <i>All Licenses outlined are single use licences :</i></p> <p>There are only the two main GIS solutions within the 3 council areas and Planning. Cadcorp Spatial Information Systems and ESRI ArcGIS. The system, quantity of licenses and their location are outlined below:</p>		
	Location	System	No. of Licenses
	Planning	Arc GIS Desktop	6 (1 Primary and 5 Secondary)
	Cookstown	Arc GIS Desktop	5 (1 Primary and 4 Secondary)
		Arc GIS Server	1 (workgroup edition)
	Dungannon & South Tyrone	CadCorp	3 (Manager and 1 Editor)
	Magherafelt	CadCorp	2 (1 Manager and 1 Editor)

3	Key Issues
3.1	<p>The new council needs to converge the GIS systems and data from each into a single accessible solution across the entire new council to provide functionality and access to general mapping functionality.</p> <p>The DOE are not transferring any ArcGIS licensing to Mid Ulster . There is existing expert knowledge and expertise within the transferring staff from Planning, Cookstown, Magherafelt and Dungannon which can be easily updated and transferable to other similar applications.</p> <p>The exact amount of licensing for the new Council is difficult to estimate but can assumed to be at least the sum of the current existing organisations is required. Given that current licensing only gives the Councils the ability to install and authorise that license on a single nominated PC per license greater flexibility in providing GIS services across the greater geographical organisation is required.</p>

	<p>In order to consider the necessary provision a concurrent licensing provision overcomes these obstacles and allows a greater number of staff access to the mapping applications..</p> <p>ESRI ArcGis is the preferred solution given</p> <ul style="list-style-type: none"> the existing expertise, knowledge within the Esri product set across local government and transferring functions existing Investment of server and desktop functionality within Cookstown Increased Server functionality already in place The current local support and expertise provided <p>In order to facilitate the ability to access the GIS application legally across a greater number of users who may require unpredictable and occasional access across the Council, a concurrent license approach allows a pool of licenses to be utilised more effectively and collaboratively. License compliance is managed through a central service that manages the ability of staff to use a license from the pool and release it again when finished on their desktop computer. The concurrent licensing has been costed within the options explored below.</p>
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4	Resources																					
4.1	<p><u>Financial: Implications</u></p> <p>ESRI the provider of the ArcGIS Platform has made the following offer for the following options. Mid-Ulster Council can avail of the following costs to move their existing Cadcorp licenses to ArcGIS. The Desktop software licensing can be acquired at the cost of maintenance only without the need to purchase the outright license (a reduction of some 60+ %).</p> <ul style="list-style-type: none">• ArcGIS for Desktop <u>Single User</u> is available at a cost of £437.50 per license. This is provided at the cost of maintenance as you are replacing your existing Cadcorp licenses.• ArcGIS for Desktop <u>Concurrent User</u> will be available at a cost of £680 per license. This is also provided at the cost of maintenance for the replacement of existing Cadcorp licenses.• Arc GIS Server if required currently is licensed by Cookstown District Council costs to transfer at the existing maintenance cost of £3,300• New or Additional Licenses will also be offered at the same rate as replacement of existing licenses i.e. Single user £437.50 and Concurrent User £680. These prices are only being offered as part of the 'Swap Scheme' additional licenses in the future will be more expensive. <p>Total Costs for upgrades given the existing licenses are itemised below</p> <table><tr><th colspan="3">Current Maintenance Costs</th></tr><tr><th>Location</th><th>Licenses</th><th>Cost</th></tr><tr><td>Cookstown</td><td>5</td><td>4957.50</td></tr><tr><td>Dungannon</td><td>4</td><td>1180</td></tr><tr><td>Magherafelt</td><td>2</td><td>3470</td></tr><tr><td>Planning</td><td>6</td><td>Not Known</td></tr><tr><td>Total Cost</td><td></td><td>£9607.50</td></tr></table>	Current Maintenance Costs			Location	Licenses	Cost	Cookstown	5	4957.50	Dungannon	4	1180	Magherafelt	2	3470	Planning	6	Not Known	Total Cost		£9607.50
Current Maintenance Costs																						
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Planning	6	Not Known																				
Total Cost		£9607.50																				

Mid Ulster Council Initial Transfer Costs (inc 1 years maintenance)				
License Type	License No's	License Total	Cost of Server	Grand Total
Single User	16 Desktop	£7,000	£3,300	£10,300
Concurrent User	16 Desktop	£10,880	£3,300	£14,180
Proposed Licensing	10 Desktop	£6,800	£3,300	£10,100
<p>I have estimated 10 concurrent licenses across all the new council will be sufficient to accommodate the provision of a GIS solution for Mid Ulster and is the most cost effective solution that affords greater flexibility and a wider deployment across the Council.</p> <p><u>Human</u></p> <p>The Geographical resource and expertise needs of Mid Ulster across all functions need to be fully assessed and coordinated in the months ahead within an agreed service function. It is not considered within the scope of this paper.</p> <p>There is further potential to quantify and address training gaps within the funding from capacity building programme.</p> <p><u>Basis for Professional/ Consultancy Support : None</u></p> <p><u>Other :none</u></p>				

5	Other Considerations
5.1	None

6	Recommendations
6.1	That council extend the existing <i>ESRI ArcGis</i> licensing to a 10 user concurrent licensing model to provide a flexible and cost effective solution for Geographical Information Systems provision in Mid Ulster council in line with the councils existing current expenditure and ICT for £10,100 per annum. There is no purchase of additional licensing ,rather the replacement of existing maintenance and support to a single provider at an increase of £492.50 p.a.

7	List of Documents Attached
	None

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Subject: Mid Ulster District Council Governance Framework

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek Members approval on the core aspects of an internal Governance Framework for Mid Ulster District Council.

2	Background
2.1	Members will be aware of developments in the field of corporate governance since its introduction, initially in the US in 1985 and later in the UK in the early 90s following work by the Cadbury Committee.
2.2	Corporate Governance is the system by which organisations are directed and controlled.
2.3	Early work on Corporate Governance concentrated primarily with the control and reporting functions of PLC Boards and the role of auditors and therefore did not fully reflect the wider obligations of public sector bodies.
2.4	Governance in the public sector is also concerned with community leadership; innovation in delivery of services; partnership working; standards and ethics; concepts of ultra vires and Value for Money.

3	Key Issues
3.1	In addition to managing behaviours and controlling systems/processes, an important element in guiding decisions and influencing how an organisation operates is through the development of policies and procedures.

3.2	Well developed policies and procedures will help to ensure: <ul style="list-style-type: none"> • Consistency and compliance: • Transparency: • Accountability; • Effective quality management and • Continuous improvement.
3.3	It is essential that Mid Ulster District Council has robust policies and procedures in place to assist in delivering the above objectives.
3.4	The core elements of the proposed Governance Framework are as shown in Appendix A.

4	Resource Implications
4.1	<u>Financial</u> Policies and procedures will be developed in house.
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	Members may be aware that under the Local Government Act 2014, Councils are required to prepare a Constitution which contains <ul style="list-style-type: none"> • a copy of the council's standing orders; • a copy of the Northern Ireland Local Government Code of Conduct for Councillors; • information as the Department may direct; and • information as the council considers appropriate.

5.2	The Department has held a pre-consultation exercise with Local Government and outlined the draft framework containing the information that the Department intends directing Councils to include in their constitution.
5.3	Members will note that there are many similarities between the proposed content of the Constitution and the Mid Ulster Governance Framework and that it would be prudent to combine these two initiatives into one suite of documents for ease of access and to avoid duplication.

6	Recommendations
6.1	Members approval is sought on the core aspects of the draft internal Governance Framework for Mid Ulster District Council.

7	Documents Attached
7.1	Appendix A : Draft Mid Ulster District Council Governance Framework Appendix B : Proposed Core Elements of a Council Constitution

Mid Ulster District Council – Draft Governance Framework

- 1.0 Policies & Procedures
 - 1.1 HR Policies
 - 1.1.1 Attendance
 - 1.1.2 Discipline and Grievance
 - 1.1.3 Gifts & Hospitality
 - 1.1.4 Learning and Development
 - 1.1.5 Customer Service (to include complaints)
 - 1.1.6 Bullying & Harassment
 - 1.1.7 Flexible Working
 - 1.1.8 Pension scheme(policy discretions)
 - 1.1.9 Agency workers
 - 1.1.10 Dignity at work
 - 1.1.11 Recruitment
 - 1.1.12 Redundancy
 - 1.1.13 Secondments
 - 1.1.14 Career Break
 - 1.1.15 Capability Policy
 - 1.1.16 Leave arrangements (special /family friendly)
 - 1.1.17 Complaints
 - 1.2 Whistleblowing
 - 1.3 Counter fraud
 - 1.4 Anti-Bribery
 - 1.5 Health & Safety
 - 1.6 Emergency Planning
 - 1.7 Travel and Subsistence
 - 1.8 Procurement Procedures
 - 1.9 Business Continuity Plan
 - 1.10 Equality Scheme
 - 1.11 Flags and Emblems
 - 1.12 Safeguarding Children & Vulnerable Adults
 - 1.13 Information Security
 - 1.14 Data Protection
 - 1.15 Freedom of Information
 - 1.16 Environmental Information
 - 1.17 Communications Policy
 - 1.18 Retention and Disposal Policy
 - 1.19 Regional & Minority Languages Policy
- 2 Internal Audit and Audit Committee
- 3 Risk Management Policy and Processes
- 4 Financial Management
- 5 Financial Systems
- 6 Code of Conduct
- 7 Register of Interests
- 8 Terms of Reference of Committees

9	Standing Orders
10	Scheme of Delegation
11	Corporate & Business Planning Processes, including KPIs
12	Performance Management Framework
13	Assurance Framework
14	Communications Strategy (interim)
15	Communications Strategy (2015-2019)
16	ICT Strategy
17	Information Management Strategy

RESTRICTED – POLICY DEVELOPMENT

DRAFT FRAMEWORK FOR COUNCIL CONSTITUTION**Contents****Part 1 – Summary, Explanation and Articles of the Constitution**

Summary and Explanation of the Constitution

- Article 1 - The Constitution
The powers of the Council and the purpose of the Constitution
- Article 2 - Members of the Council
The composition of the Council, the roles and functions of all councillors, conduct and the scheme of allowances payable
- Article 3 - Citizens and the Council
The rights and responsibilities of citizens
- Article 4 - The Council
The policy and budget framework within which the Council operates, the functions of the Council and responsibility for functions
- Article 5 - Chairing the Council
The role of the Chairperson/Mayor
- Article 6 - Decision-making structures
Details of the decision-making structure adopted by the Council
- Article 7 - Overview and scrutiny arrangements *[Required in devolved decision-making arrangements]*
Details on how the Council's overview and scrutiny arrangements will operate
- Article 8 - Regulatory and other committees
The arrangements adopted by the Council for the discharge of functions by committees.
- Article 9 - Joint arrangements
The operation of any joint committees
- Article 10 – Officers
The Council's management structure, the functions of chief officers, conduct and employment
- Article 11 - Procedures for decision-making
Responsibility for decision-making, principles of decision-making, the role of

RESTRICTED – POLICY DEVELOPMENT

the Council and committees

Article 12 - Finance, Contracts and Legal Matters

The Council's arrangements for the conduct of its financial matters, the making of contracts and the handling of legal matters

Article 13 - Review and Revision of the Constitution

The arrangements for the review and revision of the Constitution

Article 14 - Suspension, Interpretation and Publication of the Constitution

Matters relating to the Suspension of the Constitution, its Interpretation and Publication

Part 2 – Responsibility for Functions

Annex 1 – Principles of Delegation

Annex 2 – Responsibilities for Council Functions

[Details of each committee established by the Council and the powers, duties and functions of those committees]

Annex 3 – Joint Arrangements

[Details of any joint committees established by the Council]

Annex 4 – Scheme of Delegation

Part 3 – Rules of Procedure

Access to Information Procedure Rules

Budget and Policy Framework Procedure Rules

Contracts Procedure Rules

Council Standing Orders

Executive Procedure Rules

Overview and Scrutiny Procedure Rules

Financial Procedure Rules

Part 4 – Codes and Protocols

Code of Conduct for Councillors

Code of Conduct for Officers

Protocol on Member/Officer Relations

Part 5 – Members' Allowance Scheme

Part 6 – Officers' Management Structure

Part 1 – Summary, Explanation and Articles of the Constitution

Summary and Explanation

A Council should set out a short and accessible description of its Constitution and method of governance.

Article 1 - The Constitution

This Article sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution including the Council's standing orders and the Northern Ireland Local Government Code of Conduct for Councillors.

One of the most important aspects of the Article is the statement of purpose. This should convey clear and positive messages about the purposes of local government in general and also in relation to the specific locality. It should relate to the community leadership role of local government, and show how the arrangements set out in the Constitution will support this. These points are discussed in more detail below.

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of [insert name] Council.

1.3 Purpose of the Constitution

The stated purposes should reflect the ethos, aims and objectives of the Council. They should complement its corporate aims and objectives and the key aims of its Community Plan. Accordingly, they must be arrived at through debate within each council. The following text is therefore only an example.

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community, in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of Council decision-making;

RESTRICTED – POLICY DEVELOPMENT

- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

Having agreed the overall purpose of the Constitution, the Council must ensure that the articles, procedure rules and protocols that follow reflect and deliver the statement of purposes contained within the Constitution. The purpose must therefore be given reality in the Constitution rather than just be a set of grand statements which have no connection with the operation of the Council.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution.

Article 2 - Members of the Council

This Article sets out the composition of the Council, eligibility to stand for election as a member of the Council and the form of election used.

The Article also contains a section in which Councils can provide a statement of the roles and responsibilities of members of the Council. This reinforces the fact that all members, whatever their formal position in the Council and party political system, share common roles and responsibilities.

The Article also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

2.1 Composition and eligibility

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The Council comprises [*insert number*] members, called councillors. Councillors are elected by the voters of each district electoral area in accordance with a scheme drawn up by the Electoral Office of Northern Ireland.

Only registered voters of the district or those living or working there will be eligible to hold the office of councilor.

2.2 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2011. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and duties of all councillors

This section is intended to clarify the key roles and duties of councillors. Councils should determine locally meaningful and appropriate descriptions of the key roles and duties.

Councils should ensure that this section reflects the view of the Council as a corporate body of all elected councillors, and therefore that all councillors have a responsibility for the good governance of the council. The definition should reinforce the community leadership role of councillors and reflect a councillor's representative role and their position to act as a link and point of mediation between the council and the community.

(a) Key roles.

All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process;
- (iii) deal with individual issues and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the district electoral area and represent that area as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

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- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 3 of this Constitution.

2.4 Conduct

This section should contain a statement of the councillors' duty to adopt high standards of conduct in order to give expression to the Northern Ireland Local Government Code of Conduct for Councillors, issued under section 53 of the Local Government Act (Northern Ireland) 2014.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part 3 of this Constitution.

Article 3 - Citizens and the Council

Councils and their constitutions should be outward looking and seek to engage with the public wherever possible. Setting out what citizens can expect from their Council and what rights they have is therefore an important part of the Constitution. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

3.1 Citizens rights

Residents and others who avail of the Council's services have the following rights in relation to the operation of the Council. Their rights to information and to attend meetings of the Council or its committees are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) Information.
Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) *[in executive arrangements]* attend meetings of the executive when key decisions are being considered;
 - (iii) *[in executive arrangements]* find out from the forward plan what key decisions will be taken by the executive and when; and

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- (iv) see reports and background papers, and any records of decisions made by the Council and the executive.
- (b) Complaints.
Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme; or
 - (ii) the Northern Ireland Commissioner for Complaints in respect of an allegation that a councillor (or former councillor) has failed, or may have failed, to comply with the Northern Ireland Local Government Code of Conduct for Councillors.

3.2 Citizens responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 - The Council

In drawing up the Constitution it is important that careful consideration is given to the role of the Council. In executive forms of governance, the Council as a whole retains responsibility for regulatory and quasi-judicial functions and will have a role in holding the executive to account. Under a committee system of governance, the Council is responsible for delegating functions and will have a role in holding policy committees to account.

A list of the statutory and recommended plans and strategies which will make up the policy framework appears in the text. However, Councils may wish to exercise their local discretion in adding to these lists.

The functions reserved for Council decisions under executive arrangements are defined in this Article to make clear what authority the Council has in relation to other parts of the constitution. Councils may wish to add discretionary roles they consider essential for the Council to have, for example to represent the views of the local community on matters of significance.

4.1 Meanings

- (a) Policy Framework. The policy framework means the following plans and strategies:-

[Councils should list all those plans and strategies that are relevant to their functions which form the policy framework. These fall into three separate groups:

- (i) *those required by Schedule 3 to the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014;*

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- (ii) *those other plans and strategies prescribed in legislation to be adopted by the Council;*
 - (iii) *other plans and strategies, which the Council may decide, should be adopted by the Council as a matter of local choice.]*
- (b) Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council rate base, setting the district rate and decisions relating to the control of the Councils borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the Council

Where a Council has adopted executive arrangements, this section should set out the functions that will be exercised by the Council as a whole.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Standing Orders in Part 3 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 2 of this Constitution setting out the responsibilities for the Council's functions.

[In Councils with executive arrangements]

The Council will maintain the tables in Part 2 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 - Chairing the Council

Title of the person chairing Council meetings

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This will be Chairperson, Mayor or Lord Mayor depending on the status of the Council.

Role and function of the Chairperson or Mayor

The [Chairperson of the Council] [Mayor] [Lord Mayor] and, in their absence, the [Deputy Chairperson] [Deputy Mayor] [Deputy Lord Mayor] will have the following roles and functions:

Ceremonial role

Whilst the Chairperson has normally carried out the ceremonial duties of the Council, this is entirely a matter of local choice. This section should set out the Council's arrangements carrying out ceremonial duties.

Chairing the Council meeting

The Chairperson will be the person presiding over Council meetings.

The Chairperson will have the following responsibilities:

Councils should set out details of the responsibilities of the Chairperson in relation to both meetings of the Council and as a representative of the Council.

Article 6 – Decision-making structures

The Council should insert details of the decision-making structures it has selected from the options provided in section 19 of the Local Government Act (Northern Ireland) 2014. This will take the form of either the traditional committee structure or the cabinet-style or streamlined committee structure of executive decision-making.

6.1 Role

Councils should set out the role of committees or the executive in relation to the discharge of the Council's functions.

6.2 Form

Councils should describe the form their decision-making structures take i.e. committee or executive arrangements (the form of executive arrangements adopted should be specified along with the number of members of either the cabinet-style executive or each committee in a streamlined committee executive.

6.4 Proceedings of the committees [or executive]

Proceedings of the committees shall take place in accordance with the Council's Standing Orders set out in Part 3 of this Constitution.

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[Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 3 of this Constitution.]

6.5 Responsibility for functions [only in Councils with executive arrangements]

Councils should set out in Part 2 of this Constitution details of any sub-committees of the executive, officers or joint arrangements that are responsible for the exercise of particular executive functions and those functions.

Article 7 – Overview and Scrutiny Arrangements

Scrutiny - general comments

The overview and scrutiny function is central to the executive form of governance. Overview and scrutiny committees are powerful committees, which meet in public to discuss and make recommendations on the development of policies and hold the executive to account.

How overview and scrutiny operates is a matter of local choice as there are a number of different forms which it can take. Overview and scrutiny responsibilities may parallel functional structures, or be designed deliberately to cut across these to support a joined-up approach.

7.1 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to discharge the functions conferred by section 27 of the Local Government Act (Northern Ireland) 2014 in relation to the matters set out in the right hand column of the same table.

Committee	Scope

7.2 General role

Councils should set out the overarching role of the overview and scrutiny committee in relation to the discharge of any of the Council's functions.

7.3 Specific functions

(a) Policy development and review.

Councils should set out details of the role the overview and scrutiny committee will play in the development of the Council's policies and the review of those

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policies.

- (b) Scrutiny.
Councils should set out details of the role the overview and scrutiny committee will play in reviewing and scrutinising the decisions of the Council and in the Council's performance of its responsibilities.
- (c) Finance.
Councils should set out the responsibilities an overview and scrutiny committee has in relation to any finances made available to it.
- (d) Annual report. Overview and scrutiny committees must report annually to Council on their workings and make recommendations for future work programmes and amend working methods if appropriate.
- (e) Officers. Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

7.4 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Committee Procedure Rules set out in Part 3 of this Constitution.

Article 8

Policy and other committees [in traditional arrangements]

or

Regulatory and other committees [in devolved decision arrangements]

Option 1 - traditional arrangements

Under traditional arrangements, the implementation of the Council's budget and policy framework of regulatory functions is undertaken by a limited number of policy committees with powers delegated from the full Council. The Council may also establish a committee or committees to deal with personnel and related matters since this is a Council, rather than an executive function. There is no legally separate executive.

8.1 Policy and other committees

The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Part 2 of this Constitution to discharge the functions described in the right hand column of that table.

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Option 2 – devolved decision arrangements

Planning and licensing are not executive functions. Councils will therefore need to create committees to undertake these functions under powers delegated from the Council. Councils should choose whatever name they consider best describes the role of these committees to individuals who are not members of the Council. The Council may also establish a committee or committees to deal with personnel and related matters since this is a Council, rather than executive function.

8.1 Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Part 2 of this Constitution to discharge the functions described in the right hand column of that table.

Article 9 - Joint Arrangements

Joint arrangements (including joint committees) are well established within local government, although their use has tended to be concentrated on the delivery of functions where economies of scale make sharing practicable. Delegation to other Councils is not widely employed.

To avoid frequent amendments to this Article as new possibilities become available, Councils may wish to build up relevant protocols in later sections of the Constitution.

9.1 Joint arrangements

Councils should set out details of their ability to establish joint arrangements (including under executive arrangements) and who may appoint members to any joint committees.

9.2 Access to information

The Access to Information Rules in Part 3 of this Constitution apply.

9.3 Delegation to and from other Councils

Councils should set out details of their ability to delegate the discharge of functions to another Council or, in certain circumstances, the executive of another Council.

9.4 Contracting out

Councils will wish to set out those functions to which this section applies.

Article 10 - Officers

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Terminology

The use of the word "officers" means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations. However, Councils should, in this Article, use the term they consider most appropriate, whether this is "officers", "staff" or "employees".

10.1 Management structure

The management structure of the Council is set out in Part 6 of this Constitution.

10.2 Functions of the clerk to the Council

Councils should set out the key functions of the clerk to the Council in relation to the administration of the Council.

10.3 Functions of the chief financial officer

Councils should set out the key functions of the chief financial officer in relation to the management of the Council's financial affairs.

10.4 Duty to provide sufficient resources to the chief financial officer

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

10.5 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

Article 11 – Decision-making

11.1 Responsibility for decision-making

Each Council may determine whether to delegate decisions to committees, sub-committees and/or officers, or to joint committees or joint arrangements or other councils. Those delegations must be recorded in the Council's Constitution which must be kept up to date.

Under executive arrangements, decisions on specified matters are for the executive to make, and it is for the executive to decide whether to delegate the power to make

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any of those decisions. Only the executive may decide to delegate executive functions to joint committees or other Councils. Where it does so, those delegations must also be recorded in the executive's scheme of delegations in the Constitution. Though changes to the Constitution must be made by the Council, changes to the executive scheme of delegations are for the executive to decide.

11.2 Principles of decision-making

Councils should set out details of the principles it will observe when making decisions.

11.3 Types of decision

This Article applies only where executive arrangements operate.

- (a) Decisions reserved to full Council.
Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) *Councils should insert into this part of the Constitution the definition of key decisions set out in regulations.*
 - (ii) A decision-maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 3 of this Constitution.

11.4 Decision-making by the Council

The Council meeting will follow the Council Standing Orders set out in Part 3 of this Constitution when considering any matter.

11.5 Decision-making under executive arrangements

This Article applies only where executive arrangements operate.

The executive will follow the Executive Procedures Rules set out in Part 3 of this Constitution when considering any matter.

11.6 Decision-making by overview and scrutiny committees

This Article applies only where executive arrangements operate.

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 3 of this Constitution when considering any matter.

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11.7 Decision-making by other committees and sub-committees established by the Council

Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 3 of this Constitution as apply to them.

Article 12 - Finance, Contracts and Legal Matters

This short Article refers to the Council's Financial and Contract Procedure Rules and how the Council will deal with legal matters.

12.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedures Rules set out in Part 3 of this Constitution.

12.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 3 of this Constitution.

12.3 Legal proceedings by and against the Council

Councils should set out details of who is authorised to institute, defend or participate in legal proceeding on behalf of the Council.

12.4 Authentication of documents

Councils should set out its arrangements for the authentication of documents necessary to any legal procedures and contracts.

12.5 Common Seal of the Council

Councils should set out its arrangements in relation to the safe keeping of the Council's Seal and the Sealing of documents.

Article 13 - Review and Revision of the Constitution

13.1 Duty to keep the Constitution up to date

Legislation does not specify either the method or frequency of review or the reporting arrangements. However, a Council will wish to set out the monitoring and review method that it will adopt for the operation of the Constitution to ensure the aims and principles of the Constitution are up to date and are given full effect.

Amendments to the Constitution will be necessary where the Council changes from one form of governance to another.

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13.2 Changes to the Constitution

All proposed changes to the Constitution will be debated and agreed by a majority of the Council.

Councils may wish to adopt procedural rules so that members have a clear procedure when they wish to propose to the Council that the Constitution is changed. Similarly, there will need to be procedures to ensure that proposals for changes to the constitution are not used to overcome disputes between the executive and other councillors, or even within the executive itself.

Article 14 - Publication of the Constitution

14.1 Suspension of the Constitution

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1. This might apply, for example, to rules of debate in Council where particular circumstances arise. Councils should design their Constitution to be sufficiently flexible to take account of changing circumstances, particularly in the light of experiences gained during the transition period.

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules specified below may be suspended by the full Council to the extent permitted within those Procedure Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Procedure Rules will not be moved without notice unless at least one-half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Procedure Rules capable of suspension.** The following Procedure Rules may be suspended in accordance with Article 14.1 [*Council to specify rule*].

14.2 Interpretation

The ruling of the [*Chairperson*] [*Mayor*] in relation to the interpretation or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

14.3 Publication

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A printed copy of this Constitution will be given to each member of the Council upon delivery to the clerk to the Council of that individual's declaration of acceptance of office on the member first being elected to the Council.

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Part 2 – Responsibility for Functions

Annex 1 – Principles of Delegation

Annex 2 – Responsibilities for Council Functions

Councils should insert details of each committee established by the council and the powers, duties and functions of those committees

Annex 3 – Joint Arrangements

Councils should insert details of any joint committees established by the council

Annex 4 – Scheme of Delegation

Councils should insert details of their scheme for delegating decisions to committees and officers.

Part 3 – Rules of Procedure

Access to Information Procedure Rules

Councils should insert here the rules relating to access to council information for members and members of the public as provided for in relevant legislation.

Budget and Policy Framework Procedure Rules

Developing the budget and policy framework will be a key corporate process in all councils. Councils should insert details of how their budget and policy framework is developed and operated.

Contracts Procedure Rules

Councils should insert their contract procedure rules.

Council Standing Orders

Councils should insert here the rules of debate and procedure for the conduct of meetings of full Council, indicating also where these rules apply to committee and sub-committee meetings.

Executive Procedure Rules

These procedure rules only apply to councils that have adopted executive arrangements for decision-making. Councils should insert here details on how the executive arrangements operate.

Financial Procedure Rules

Councils should insert the financial procedure rules and regulations appropriate to the decision making arrangements they are operating, drawing on the models provided by CIPFA.

Overview and Scrutiny Procedure Rules

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These procedure rules only apply to councils that have adopted executive arrangements for decision making. Councils should insert here details on how the overview and scrutiny committees will operate.

Part 4 – Codes and Protocols

Code of Conduct for Councillors

Councils should insert the Northern Ireland Local Government Code of Conduct for Councillors issued under section 53 of the Local Government Act (Northern Ireland) 2014.

Code of Conduct for Officers

Councils should insert the Code of Conduct for Officers issued under section 40 of the Local Government Act (Northern Ireland) 1972.

Protocol on Member/Officer Relations

Councils should insert the protocol on member/officer relations issued by the Department of the Environment

Part 5 – Members' Allowance Scheme

Councils should insert their councillors' allowances scheme.

Part 6 – Officers' Management Structure

Councils should insert a description of the officers' management structure and details of the functions of departments and/or business or service units.

This should give sufficient information to allow a person outside the council to understand how and where functions are carried out, but should not be so detailed as to reveal personal information about staff nor require revision after minor departmental restructuring.

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Subject	State Aid Update
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To update Members in relation to the principles surrounding State Aid.

2	Background
2.1	Article 107(1) of the Treaty on the Functioning of the European Union states that, unless provided for by the Treaty, any aid granted by a Member State or via State resources in any form which distorts or threatens to distort competition by favouring certain undertakings or production of certain goods, shall in so far as it affects trade between Member States, be incompatible with the Common Market.
2.2	The Council needs to be aware of the potential transactions and activities that could be deemed to be State Aid and, where it could be present, to take steps to eliminate it or to try to accommodate it within the terms of an appropriate Regulation and then comply with the relevant legislative requirements.
2.3	Failure to comply with the legislative requirements could result in a number of significant negative outcomes that should be avoided.

3	Key Issues
3.1	Members are referred to the attached report.

4	Resources
4.1	<u>Financial</u> Risk to income streams if non-compliant
4.2	<u>Human</u> Need for continuing awareness of European legislative developments and case law

4.3	<u>Basis for Professional/ Consultancy Support</u>
	Potential for legal support to develop appropriate policy and procedure
4.4	<u>Other</u>
	N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That Members note the above

7	List of Documents Attached
7.1	Appendix A - "An Introduction to State Aid"

AN INTRODUCTION TO STATE AID

**A PAPER PROVIDING AN INTRODUCTION TO THE PRINCIPLES
AND ISSUES IN RELATION TO STATE AID**

**SUBMITTED TO MID ULSTER COUNCIL POLICY & RESOURCES COMMITTEE
ON TUESDAY, 7 OCTOBER 2014**

Introduction

Article 107(1) of the Treaty on the Functioning of the European Union states:

“Save as otherwise provided in this Treaty, any aid granted by a Member State, or through State resources in any form whatsoever, which distorts, or threatens to distort competition, by favouring certain **undertakings** or production of certain goods, shall, in so far as it affects trade between Member States, be incompatible with the common market”

The Council needs to be aware of the potential transactions and activities that could be deemed to be State Aid and, where it could be present, to take steps to eliminate it so as to avoid the potential for significant fines and the withdrawal of funding.

However, Members should be aware that State Aid can only be present when it is provided to “undertakings.” The European Court of Justice has defined undertakings as entities that are engaged in an economic activity, regardless of their legal status and the way in which they are financed, i.e. they potentially include companies, partnerships, sole traders, social economy entities including charities, councils and government departments.

Failure to comply with State Aid legislation will result in the Council's Accounting Officer being held accountable before the Commission and the beneficiaries of the aid having to pay back the aid (plus interest). The Council cannot repay the aid on behalf of the beneficiaries.

Further consequences of non-compliance could include:

- Withdrawal of funding from the Council (if its funder did not comply with the Regulations);
- Submission to a compliance visit from the Commission;
- Having to defend a complaint in the UK courts where damages could be awarded;
- Inability to receive/award further aid until illegal State Aid (plus interest) paid back; and
- Withdrawal of European funding from the General Block Exemption Regulation

Types of transactions/activities that could be deemed to constitute State Aid

- Grants
- Loans below market rate of interest
- Interest rate subsidies
- Loan guarantees
- Tax exemptions
- Sale of land below market prices
- Subsidised rents
- Investments on terms private sector would not replicate
- Secondment of Civil/Public Servants
- Services provided by the State at a reduced or zero cost

Factors to consider when deciding if State Aid is present

1. Is there an intervention by the State or through State resources?
2. Does the intervention give the recipient an advantage on a selective basis?
3. Is competition distorted or potentially distorted?
4. Is there any potential to affect trade between Member States?

What should the Council do if it considers that State Aid could be present?

- Redesign scheme or project so that State aid will not be deemed to be present
- Consider whether the aid scheme or project fit into one of the General Block Exemption Regulation exemptions? i.e. could the Council avoid a full notification
- Is the amount of State aid small enough for the De minimis Regulation to be an option?
- If the Council considers that a full notification has to be submitted – it should submit one as a matter of urgency
- Seek advice from DETI or Departmental Solicitors Office or its legal advisors
- Above all, the Council must not ignore the potential for State Aid to be present

What is the General Block Exemption Regulation (GBER)?

This Regulation exempts State Aid from the full notification procedure. Aid provided under the GBER still has to be notified to the Commission but the procedure is more straightforward and much faster.

What is the De Minimis Regulation?

This Regulation allows very small amounts of State Aid which have only negligible effects on competition and trade to be made to an undertaking without notification for approval.

The current limit is €200,000 per single undertaking (groups of companies, etc. constitute a single undertaking) over any period of three years.

What is the Notification Process?

The process is laid out in a Procedural Regulation and utilises a web based system “State Aid Notification Interactive” (SANI).

The notification process is a two stage process:

1. Pre-notification – basically to obtain permission to formally notify
2. Formal notification

The approval process includes a “standstill” period which prevents the payment/release of aid until after the Commission’s decision has been published.

Conclusion

The Council should introduce a policy whereby all potential aid is screened for the potential to be deemed State Aid. The policy should include a formal assessment process for those types of aid that might be deemed to constitute State Aid and provide a standardised procedure which will seek, where possible, to eliminate the potential and, if this cannot be done, to ensure that the aid is not disbursed without ensuring compliance with the relevant Regulations.

All relevant records should be maintained in accordance with the legislative requirements.

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Subject	Amalgamation of Consilium Finance Systems
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To inform Members of progress made to date in relation to the amalgamation of the three predecessor councils' finance systems

2	Background
2.1	Each of the three predecessor councils utilise the Consilium TOTAL Finance application. However, there are a number of variations in the extent to which each council has adopted certain modules of the application, e.g. not all councils fully utilise the available scanning of purchase invoices functionality when registering purchase invoices. In addition each council has its own specific Chart of Accounts (coding structure).
2.2	Further to the Statutory Transition Committee's authorisation of officers to secure a cost effective and functionally appropriate finance system by means of amalgamating the existing Consilium applications, officers have been working with Consilium representatives to ensure that the appropriate design, implementation and testing of all aspects of the combined application is delivered in advance of 31 March 2015 and having regard to any interim deadlines.
2.3	The aforementioned variations in adoption of application modules and the Charts of Accounts differences have to be considered, evaluated and aligned in tandem with the technological amalgamation of the independent applications.

3	Key Issues
3.1	The officers are satisfied that they and the appropriate Consilium representatives have identified the key project deliverables and milestones have been identified.
3.2	The predecessor councils' codes and coding structures have been analysed, redesigned and mapped to a new Chart of Accounts for the new Council. A new Budget Modelling Module has also been adopted for the preparation of the 2015/16 Rate Estimates and budget profiling and reporting in the new Council post 1 April 2015. The initial 2015/16 budget will be prepared by each predecessor council on an 'as is' basis with the general ledger mapping translating the initial budgetary analysis into the new Chart of Accounts. The officers will then combine the three initial budgets and effect those changes that arise as a consequence of the amalgamation, e.g. any impacts of co-ordination of pricing policies, re-alignment of staff within budget headings, changes in approach to waste management, etc. Such changes will be informed by ongoing discussions between the Finance teams, budget holders, transitional working groups, etc.

3.3	A single monthly payroll has been established for Members on the new Mid Ulster Council server, hosted in Cookstown District Council Offices and (currently) accessed by Dungannon and South Tyrone Borough Council payroll staff. A similar exercise is currently being undertaken in relation to a single payroll for all monthly paid staff. The officers have, however, decided to continue with the three existing weekly payrolls for (former) manual staff for an initial period post 1 April 2015. This decision was taken due to the complexities of weekly payroll processing and the recognition that significant organisational design changes are likely to be implemented in this area over the early stages of the new Council.
3.4	The officers are currently investigating the opportunity of invoicing Trade Waste on a common basis but this will be informed by the relevant transition working group
3.5	Other areas such as the transfer of debtor and creditor balances at 31 March 2014 continue to be under discussion with Consilium.

4	Resources
4.1	<p><u>Financial</u></p> <p>Work continues to proceed within the budget previously approved by the Statutory Transition Committee.</p>
4.2	<p><u>Human</u></p> <p>Transition Working Team continue to meet fortnightly</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>Consilium representatives engaged due to necessity and technical expertise</p>
4.4	<p><u>Other</u></p> <p>N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That Members note the above progress report

7	List of Documents Attached
7.1	N/A

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Subject	Finance & Procurement Risk Assessment
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To inform Members of risks identified by the Finance and Procurement Transition Working Group

2	Background
2.1	The identification and management of all relevant risks is deemed essential to the effective transition to the new Mid Ulster Council and the effective operation thereof in 2014/15 and thereafter

3	Key Issues
3.1	See Risk Register attached

4	Resources
4.1	<p><u>Financial</u></p> <p>Limited use of consultants/professional advisers – services will be incurred in accordance with relevant procurement policy</p>
4.2	<p><u>Human</u></p> <p>Transition Working Team continue to meet fortnightly</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>As required for specific aspects out with staff expertise/experience</p>
4.4	<p><u>Other</u></p> <p>N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That Members note the attached Risk Register

7	List of Documents Attached
7.1	Finance and Procurement Transition Working Group Risk Register

Finance Procurement Working Group Risk Register: Transitional Period 2014-15

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Previous Risk Rating	Risk Owner	Actions	Target Date	Progress
MUDC 20	Finance	Failure to adopt an appropriate procurement policy	Council has adopted Procurement approach and authorised development of appropriate policy. Policy development is currently underway.	4	2	8	TMT	Ongoing		Lead Finance Officer	TWG to advance	31-Mar-15	Policy under development
MUDC 21	Finance	Failure to identify all risks that should be insured against	Comprehensive assessment performed re insurance of Shadow period. Currently seeking to engage consultant support as authorised by Council	5	1	5	TMT	Ongoing		Lead Finance Officer	TWG to advance	31-Mar-15	Seeking to appoint consultant
MUDC 22	Finance	Failure to place insurances with a reputable insurer of appropriate financial standing	Significant experience and expertise available internally and utilised as part of insurance of Shadow period. Currently seeking to engage consultancy support as authorised by Council.	4	1	4	TMT	Ongoing		Lead Finance Officer	TWG to advance	31-Mar-15	Seeking to appoint consultant
MUDC 23	Finance	Failure to secure sufficient resources to discharge existing and new functions	Rates estimation process underway. Currently initiating contact with all budget holders, Transition Working Groups and Members. Also engaging with Department of Environment and other Departments re transferring functions	5	3	15	TMT	Ongoing		Lead Finance Officer	TWG to advance	31-Mar-15	Commenced/ongoing
MUDC 24	Finance	Failure to implement an adequate financial reporting system by 1 April 2015	Currently engaging with Consilium to deliver appropriate system.	5	1	5	TMT	Ongoing		Lead Finance Officer	TWG to advance	31-Mar-15	Commenced/ongoing