06 September 2018

Dear Councillor

You are invited to attend a meeting of the Policy & Resources Committee to be held in
The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Thursday, 06 September 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

4.	New Data Protection Policy Adoption	3 - 56
5.	Property Services - Report for permission to commence consultation on the Draft Council Fleet Safety Policy	57 - 92
6.	Response to NILGA Consultation on Devolution within Northern Ireland Report	93 - 124

Matters for Information

7	Minutes of Policy & Resources Committee held on Thursday 5 July 2018	125 - 130
8	Progress Report and Self-Assessment on 2017/18 Corporate Improvement Plan	131 - 182
9	Data Handling Policy, Policy on Recruitment of Ex-Offenders and Dignity at Work Policy	183 - 214

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

Matters for Information

Report on	New Data Protection Policy Adoption
Date of Meeting	6th September 2018
Reporting Officer	Barry O'Hagan
Contact Officer	Barry O'Hagan

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	**Purpose of Report**
1.1	To seek approval of the adoption policy of a new Data Protection Policy
2.0	**Background**
2.1	The introduction of The Data Protection Act 2018 (as a result of GDPR EU regulations) has necessitated the review and adoption of a policy that reflects the new legislative requirements placed on the Council to protect personal data.
3.0	**Main Report**
3.1	The new legislation and policy supersedes the previous legislation and policy. The new legislation become effective on 25th May 2018. The policy aims to i. To provide assurance to our employees and public that we seek to protect the information we hold and used it for legitimate purposes. ii. To replace the existing Policy and ensure Council meets the requirements of the General Data Protection Act 2018 iii. To ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act 2018, and that they are aware of their personal data protection liabilities, setting out the standards expected by the Council in relation to processing of personal data and safeguarding individuals' rights and freedoms. **Policy Objectives:** i. To ensure the protection of personal and sensitive information of staff and our customers. ii. To ensure all staff across the Council are aware of, and understand the importance of, data protection and confidentiality. iii. To assist the Council to comply with all requirements of the DPA. iv. To ensure procedures are in place across the Council for staff, contractors and members regarding disclosure of personal information.

      v.   To increase the awareness of data subjects to the amount of personal data processed and stored by the Council about them and advise them of their rights under the data protection legislation.

     vi.   To ensure all staff receive appropriate data protection training, with regular updates or when significant data protection guidance changes.

In summary the policy defines the key principles

- Process personal data fairly and lawfully.

- Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.

- Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

- Keep personal data accurate and, where necessary, up to date.

- Only keep personal data for as long as is necessary.

- Process personal data in accordance with the rights of the data subject under the legislation.

- Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

- Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

  The Council has defined the reasons why and how we process personal data and we should only hold personal information based on the following reasons.
  - Where it involves the exercise of a public function – i.e. most activities of most government, local government and other public bodies.
  - Where it is *necessary* in connection with a contract between the Council and the individual.
  - Where it is *necessary* because of a legal obligation.
  - Where it is *necessary* in our legitimate interests, as long as these are not outweighed by the interests of the individual.
  - Where it is *necessary* in an emergency, to protect an individual's 'vital interests'.
  - Consent from the individual (or someone authorised to consent on their behalf).

	The reminder of the policy details specific areas arounds rights, procedural processes e.g. in the event of breaches and the roles and responsibilities for staff and management.
4.0	**Other Considerations**
4.1	**Financial, Human Resources & Risk Implications**
	Financial: There will be no significant additional financial pressures caused by the introduction of the legislation and the policy. There are potentially significant fines for breaches of the legislation.
	Human: Council, has undertaken a program m of training staff on personal Data Protection,
	Risk Management: The potential for a breach of personal data has been identified as a corporate risk that requires regular monitoring, controls and mechanisms to treat the evolving risks presented.
4.2	**Screening & Impact Assessments**
	Equality & Good Relations Implications: An equality and good relations impact assessment has been completed and approved by the Director of Finance. The outcome of the screening has screened this policy out. A copy of the assessment is attached for information.
	Rural Needs Implications: The policy has been subjected to a rural needs impact assessment and this policy has considered the assessment during the policy development. A copy of the rural needs assessment is attached for information.
5.0	**Recommendation(s)**
5.1	Council approve the adoption of the Data Protection policy
6.0	**Documents Attached & References**
	Equality and Good relations Assessment Rural Needs Assessment Data Protection Policy

Introduction

Mid Ulster District Council has a statutory duty to screen its policies, procedures, practices/decisions. This Policy Screening Form and Report assists Council Departments to consider the likely equality and good relations impacts of the aforementioned, if any, placed upon our ratepayers, citizens, service users, staff and visitors to the district.

Section 1 – Policy scoping

This asks the Policy Author to provide details on the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations. Reference to policy within this document refers to either of the aforementioned (policy, procedure, practice, and/ or decision).

Section 2 – Screening questions

This asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and issues.

Section 3 –Screening decision

This guides the Council to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity.

Section 4 – Monitoring

This provides guidance to the Council on monitoring for adverse impact and broader monitoring.

Section 5 – Approval and authorisation

This verifies the Council's approval of a screening decision by a senior manager responsible for the policy.

Appendix A   Screening Process

Section 1   Policy Scoping & Information

The first stage of the screening process involves scoping the policy under consideration which sets the context and confirms the aims and objectives for the policy being screened. Scoping the policy helps to identify constraints as well as opportunities and will help the policy author to work through the screening process on a step by step basis.

1. Policy Name
GDPR Personal Data Protection Policy 2018

2. Is this an existing, revised or a new policy?
Essentially a revised policy due to new legislation

3. What is it trying to achieve? (aims/outcomes)
1) To provide assurance to our employees and public that we seek to protect the information we hold and used it for legitimate purposes. To replace the existing Policy and ensure Council meets the requirements of the General Data Protection Act 2018 2) To ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act 2018, and that they are aware of their personal data protection liabilities, setting out the standards expected by the Council in relation to processing of personal data and safeguarding individuals' rights and freedoms. 3) To ensure the protection of personal and sensitive information of staff and our customers. 4) To ensure all staff across the Council are aware of, and understand the importance of, data protection and confidentiality. 5) To ensure procedures are in place across the Council for staff, contractors and members regarding disclosure of personal information. 6) To increase the awareness of data subjects to the amount of personal data processed and stored by the Council about them and advise them of their rights under the data protection legislation. 7) To ensure all staff receive appropriate data protection training, with regular updates or when significant data protection guidance changes

4. Are there any Section 75 categories which might be expected to benefit from the intended policy?	Yes	
	No	No

If so, please explain

6. Who initiated or wrote the policy?
Barry O'Hagan: Head of IT

7. Who owns and who implements the policy?

Barry O'Hagan: Head of IT

Implementation factors

	Yes	No
Are there any factors which could contribute to/ detract from intended aim/ outcome of the policy?		
• If yes, are they financial?	Yes	
• If yes, are they legislative?	Yes	
• If yes, Please specify	*Financial:* Personal data protection relies on personal and technical controls to secure data and train staff, review, monitor and audit its compliance. *Legislative:* Data Protection Act 2018	
• Other, Please specify	N/A	

Stakeholders

The internal and external (actual or potential) that the policy will be impacted upon

	Yes	No
Staff	Yes	
Service Users	Yes	
Other public sector organisations	Yes	
Voluntary/community/ trade unions	Yes	
Other, please specify	Suppliers	

Others policies with a bearing on this policy

Policies	Owners
CCTV, IT Security Policy, Email and instant messaging policy, Customer service policy, Photographic policy, USB and removable media policy, Mobile device policy, Retention and Disposal policy and schedule and most HR policies	Head of IT Head of HR Head of Marketing and Communications.

Available evidence

Information and available evidence (qualitative and quantitative) gathered to inform the policy under each of the Section 75 groups as identified within the Northern Ireland Act 1998.

Section 75 category	Details of evidence/information
Religious belief	63.77% of the population were brought up in the Catholic religion and 33.46% belong or were brought up in a Protestant and Other Christian (including Christian related) religion. Other religions comprised 690 (0.5%) and None 3,153 (2.28%) of the population (Source: 2011 Census).

Religion or Religion brought up in	No.	%
Catholic	88,375	63.77
Protestant and Other Christian (including Christian related)	46,372	33.46
Other religions	690	0.5
None	3,153	2.28
Total	**138,590**	**100**

Section 75 category	Details of evidence/information
Political opinion	Political party representation can be used as an approximate barometer of political opinion of people within Mid Ulster council area. The most recent local government/ council election in 2014 the percentage 1st preference vote share for each of the political party/ independents is detailed bellowed along with representation (seats) on Council (Source: NISRA):

Party	Votes	Percentage	Council Seats
SF	22,587	41.0%	18
DUP	9,723	17.6%	8
UUP	9,573	17.4%	7
SDLP	7,600	13.8%	6
Independent	2,689	4.9%	1
TUV	2,380	4.3%	0
Alliance	250	0.6%	0
UKIP	195	0.4%	0

The new data protection framework protects personal data regarding political opinion as a special category of personal data.

Section 75 category	Details of evidence/information
Racial group	According to the 2011 Census the overwhelming majority of the population 136,485 (98.48%) were classified as 'white'. Within this total will be migrant communities, such as Polish, Lithuanian and so forth. Statistics indicate that the number of people in Mid Ulster Local Government District (LGD) born outside Northern Ireland is:

Place of Birth	No.
Great Britain	4,053
Republic of Ireland	2,250
EU Countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia)	6,795

Other	2,280

The minority ethnic language profile within the area can serve as a possible indicator of the Black & Minority Ethnic (BME) community profile within the district. The composition of language groups in Mid Ulster LGD area is also noted from the 2011 census by NISRA as:

Main Languages of residents in Mid Ulster Council area	No.
English	125,715
Polish	2,008
Lithuanian	2,039
Portuguese	903
Irish (Gaelic)	404
Slovak	477
Russian	297
Latvia	261
Hungarian	117
Chinese	64
Tagalog/Filipino	38
Malaysian	33
Other	922

The new data protection framework protects personal data revealing racial or ethnic origin as a special category of personal data.

Age

The age profile of Mid Ulster Local Government District area as at 2015 (Source, NISRA)

	Mid Ulster	Northern Ireland
Total Population	144,002	1,851,621
0-15 years	33,123	385,200
16-39 years	47,646	583,116
40-64 years	43,621	591,481
65+ years	19,612	291,824
Population Change % (2005-2015)	15.3%	7.2%

Children are afforded safeguards via specific protection in relation to their personal data as a result of the new data protection regulations. Specific information relating to the use of personal data of children for the purposes of marketing and when using services offered directly to children.

Marital status	The below table sets out the martial status profile for Mid Ulster District Council area as extracted from results of the 2011 Census

	Mid Ulster		Northern Ireland	
	No.	%	No	%
Single (never married or never registered a same sex civil partnership) (Aged 16+)	38,353	35.97	517,393	36.14
Married (Aged 16+)	54,192	50.82	680,831	47.56
In a registered same sex civil partnership (Aged 16+)	62	0.06	1,243	0.09
Separated (but is still legally married or still legally in a same sex civil partnership) (Aged 16+)	3,369	3.16	56,911	3.98
Divorced or formerly in a same sex civil partnership which is now legally dissolved (Aged 16+)	4,139	3.88	78,074	5.45
Widowed or surviving partner from a same sex civil partnership (Aged 16+)	6,523	6.12	97,088	6.78

Sexual orientation

No specific statistics are available from the 2011 government census for this Category and there are therefore no official statistics available in relation to persons of different sexual orientation. However, the Integrated Household Survey would include between 3% and 4% would be either gay, lesbian and/or bisexual. However, due to the nature of 'disclosure' in this area, umbrella organisations often state that the figure may be closer to 10%.

Region	Heterosexual / Straight	Gay/ Lesbian	Bisexual	Gay/ Lesbian/ Bisexual	Other	Don't know /refuse	No response
England	92.54%	1.10%	0.51%	1.61%	0.33%	4.07%	1.45%
Wales	93.93%	1.04%	0.48%	1.52%	0.45%	2.99%	1.11%
Scotland	94.65%	0.82%	0.33%	1.14%	0.26%	2.59%	1.37%
N Ireland	93.00%	0.64%	0.96%	1.60%	0.26%	3.98%	1.17%
Total	92.80%	1.06%	0.51%	1.57%	0.32%	3.89%	1.42%

Research also conducted by the HM Treasury shows that between 5%-7% of the UK population identify themselves as gay, lesbian, bisexual or 'trans' (transsexual, transgendered and transvestite) (LGBT).

The new data protection framework protects personal data concerning sexual orientation as a special personal data category.

| Men & women generally | The gender profile of Mid Ulster LGD is detailed as; |

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Male	69,362	50.05	887,323	49.00
Female	69,228	49.95	923,540	51.00

Disability

According to the 2011 NISRA census statistics 19.39% of people had a long-term health problem or disability that limited their day-to-day activities whilst 80.43% of people within the district stated their general health was either good or very good

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Disability / long term health	26,870	19.39	374,646	20.69
No disability / long term health problem	111,720	80.61	1,436,217	79.31

In Northern Ireland the profile of persons with a disability has been reported by Disability Action as;

- More than 1 in 5 or 21% of the population have a disability
- 1 in 7 people have some form of hearing loss
- 5,000 persons use sign language - British Sign Language and/or Irish Sign Language
- There are 57,000 blind persons or persons with significant impairment
- 52,000 persons with learning difficulties

Dependants

Persons with dependents may be people who have personal responsibility for the care of a child (or children), a person with a disability, and/ or a dependent older person. The below table provides a summary with respect Mid Ulster LGD.

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Households with dependent children	18,626	38.99	238,094	33.86
Lone parent households with dependents	3,485	7.30	63,921	9.09
People providing unpaid care	12,821	10.69	231,980	11.82

Of the households in Mid Ulster Local Government District with dependent children, they can be summarised as;

- 7,407 families in households have 1 dependent child
- 6,394 families in households with two dependent children
- 5,014 families in households with three dependent children

There are 37,306 dependent children within families.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	This S75 grouping is given is provided with special data category status by the new data protection framework.
Political opinion	This S75 grouping is given is provided with special data category status by the new data protection framework.
Racial group	People for whom English is not their first language or for people from an ethnic minority background may have different needs regarding access to their personal data. This will need to be taken into account in the implementation of this policy. This may involve the use of translation services. This S75 grouping has also been given is provided with special data category status by the new data protection framework.
Age	Parental data will be required before collecting information/data from children under the age of 12 years old. This S75 grouping has also been given is provided with special data category status by the new data protection framework.
Marital status	This policy has no identifiable differential impact on this particular 75 grouping.
Sexual orientation	This S75 grouping is given is provided with special data category status by the new data protection framework.
Men and women generally	This policy has no identifiable differential impact on this particular 75 grouping.
Disability	People with disabilities may have different needs/requirements regarding access to their personal data. These needs will need to be taken into account by providing access by a variety of means and in alternative formats.

Dependants	This policy has no identifiable differential impact on this particular 75 grouping.

Section 2 – Screening Questions

In making a decision as to carry out an Equality Impact Assessment (EQIA), the Council should consider its answers to the questions 1- 3 detailed below.

If the Council's conclusion is **none** in respect of all of the Section 75 equality of opportunity categories, then the Council may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity, the Council should give details of the reasons for the decision taken.

If the Council's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the Council's conclusion is **minor** in respect of one or more of the Section 75 equality categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity.

In favour of a 'major' impact

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity.

In favour of none

a) The policy has no relevance to equality of opportunity.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity for people within the equality categories.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories (minor/ major/ none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	This S75 grouping is given is provided with special data category status by the new data protection framework.	Minor-Positive
Political opinion	This S75 grouping is given is provided with special data category status by the new data protection framework.	Minor-Positive
Racial group	This S75 grouping is given is provided with special data category status by the new data protection framework. Council will also have to ensure that for people who do not have English as a first language are made aware of how to access their personal data.	Minor-Positive

Age	This S75 grouping is given is provided with special data category status by the new data protection framework.	Minor-Positive
Marital status	No impact	None
Sexual orientation	This S75 grouping is given is provided with special data category status by the new data protection framework.	Minor-Positive
Men and women generally	No impact	None
Disability	This S75 grouping is given is provided with special data category status by the new data protection framework. Council will have to ensure that the needs of the needs of people with disabilities are taken into account when they need to access their personal data.	Minor-Positive
Dependants	No impact	None

2. Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories? (Yes/ No)		
Section 75 category	If **Yes,** provide details	If **No,** provide reasons
Religious belief		This policy does not impact on equality of opportunity for this category.

Political opinion		This policy does not impact on equality of opportunity for this category
Racial group	Implementing measures to support people with language requirements	
Age		This policy does not impact on equality of opportunity for this category
Marital status		This policy does not impact on equality of opportunity for this category
Sexual orientation		This policy does not impact on equality of opportunity for this category
Men and women generally		This policy does not impact on equality of opportunity for this category
Disability	Implementing measures to support people with a disability	
Dependants		This policy does not impact on equality of opportunity for this category

3. Are there opportunities without prejudice, to the equality of opportunity duty, to better promote good relations between Section 75 equality categories, through tackling prejudice and/ or promoting understanding? (Yes/ No)

	No	No
	Yes	
If yes, please detail the opportunities below:		

If yes is concluded to Question 3, then the policy will be referred to the Council's Good Relations Working Group for consideration. The Group will consider the potential opportunities and assess if and how the overall impact of a decision/policy can better promote good relations.

Additional Considerations - Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).
Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.
Not Applicable

Section 3 – Screening Decision

In light of answers provided to the questions within Section 3 select one of the following with regards the policy:

		Select One
1	Shall not be subject to an EQIA - *with no mitigating measures required*	✓
2	Shall not be subject to an EQIA - *mitigating measures/ alternative policies introduced*	
3	Shall be subject to an EQIA	

If 1 or 2 above (i.e. not to be subject to an EQIA) please provide details of reasons why.
This policy will be applied fairly and consistently. The policy has taken into account people whose first language is not English and people who have disabilities.

If 2 above (i.e. not to subject to an EQIA) in what ways can adverse impacts attaching to the policy be mitigated or an alternative policy be introduced.

If 3 above (i.e. shall be subject to an EQIA), please provide details of the reasons.

Mitigation

When it is concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity?
If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy:
Not adverse impact has been identified therefore no mitigation is required.

Timetabling and prioritising

If the policy has been screened in for equality impact assessment, please answer the below to determine its priority for timetabling the equality impact assessment.

- **On a scale of 1-3 (1 being lowest priority and 3 being highest), assess the policy in terms of its priority for equality impact assessment.**

Priority criterion	Rating (1-3)
Effect on equality of opportunity	
Social need	
Effect on people's daily lives	
Relevance to a Council's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the Council in timetabling. Details of the Council's Equality Impact Assessment Timetable should be included in the Screening Reports.

- **Is the policy affected by timetables established by other relevant public authorities?**

Yes	
No	No

Section 5 – Monitoring

Effective monitoring will help identify any future adverse impact arising from the policy which may lead the Council to conduct an equality impact assessment, as well as help with future planning and policy development. Please detail proposed monitoring arrangements below:

> The policy will be monitored in relation to how many requests are made by people requiring support to access their data.

Section 6 – Approval and authorisation

Screened by:	Position/ Job Title	Date
Barry O'Hagan	Head of IT	26/6/2018
Ann McAleer	Corporate Policy & Equality Officer	26/6/2018
Approved by:	Position/ Job Title	Date
[signature]	DIRECTOR OF FINANCE	22/08/2018

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy; made easily accessible on the council website as soon as possible following completion and be available on request.

Policy Scoping
- Policy
- Available data

Screening Questions
- Apply screening questions
- Consider multiple identities

Screening Decision
None/Minor/Major

'None'
Screened out

'Minor'
Screened out with mitigation

'Major'
Screened in for EQIA

Publish Template for information

Mitigate

Publish Template

Concerns raised with evidence re:screening

Re-consider screening

Publish Template

EQIA

Concerns raised with evidence

Monitor
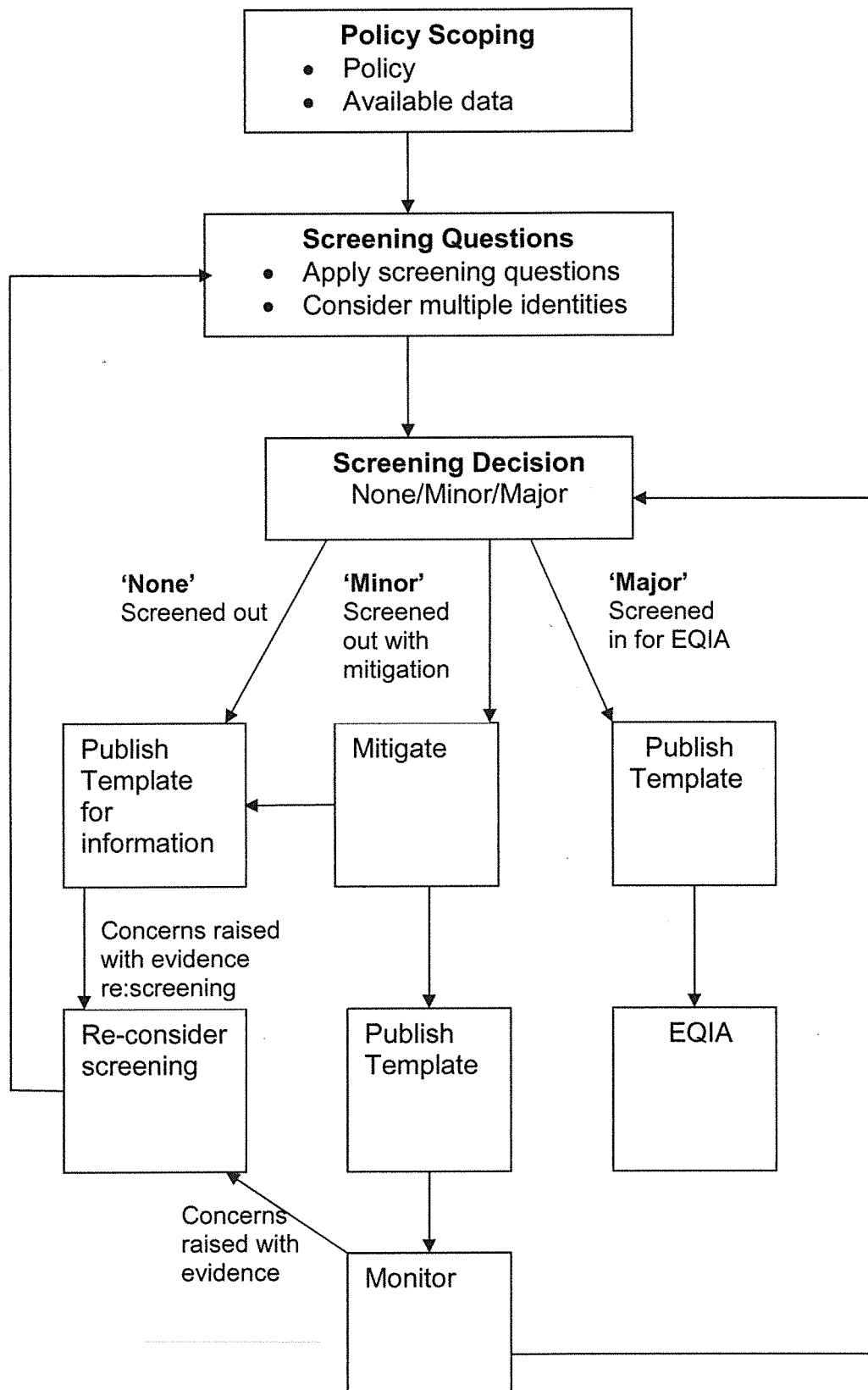
Rural Needs Impact Assessment (RNIA)

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority.

Mid Ulster District Council

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Provision of services for local government in compliance of the Data Protection Act 2018 that repeals the existing data protection legislation and internal policy.

1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy ☐	Strategy ☐	Plan ☐
Adopting a	Policy ☐	Strategy ☐	Plan ☐
Implementing a	Policy ☐	Strategy ☐	Plan ☐
Revising a	Policy ☒	Strategy ☐	Plan ☐
Designing a Public Service	☐		
Delivering a Public Service	☐		

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

General Data Protection Policy

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

- To provide assurance to our employees and public that we seek to protect the information we hold and used it for legitimate purposes.
- To replace the existing Policy and ensure Council meets the requirements of the General Data Protection Act 2018
- To ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act 2018, and that they are aware of their personal data protection liabilities, setting out the standards expected by the Council in relation to processing of personal data and safeguarding individuals' rights and freedoms.
- To ensure the protection of personal and sensitive information of staff and our customers.
- To ensure all staff across the Council are aware of, and understand the importance of, data protection and confidentiality.
- To Assist the Council to comply with all requirements of the DPA.
- To ensure procedures are in place across the Council for staff, contractors and members regarding disclosure of personal information.
- To increase the awareness of data subjects to the amount of personal data processed and stored by the Council about them and advise them of their rights under the data protection legislation.
- To ensure all staff receive appropriate data protection training, with regular updates or when significant data protection guidance changes.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition). [X]

Other Definition (Provide details and the rationale below). [ ]

A definition of 'rural' is not applicable. [ ]

Details of alternative definition of 'rural' used.

Not Applicable

Rationale for using alternative definition of 'rural'.

Not Applicable

Reasons why a definition of 'rural' is not applicable.

Not Applicable

SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes ☒   No ☐   If the response is NO GO TO Section 2E.

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

The policy is implemented in the same manner for rural dwellers as it is for urban dwellers.

That means in essence the policy enforces greater control on personal data on data controllers and processors, increase the right of subject of the personal data and is more reflective of the needs of society and personal data privacy.

The policy will help to inform the standard set of data protection laws across all the member countries. This should make it easier for EU citizens to understand how their data is being used, and also raise any complaints, even if they are not in the country where its located

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas _differently_ from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

No there is no difference to the impact for rural dwellers. Service and rights are afforded to all residents, organisations and suppliers to the council.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

Rural Businesses	X
Rural Tourism	X
Rural Housing	
Jobs or Employment in Rural Areas	X
Education or Training in Rural Areas	X
Broadband or Mobile Communications in Rural Areas	X
Transport Services or Infrastructure in Rural Areas	X
Health or Social Care Services in Rural Areas	X
Poverty in Rural Areas	
Deprivation in Rural Areas	
Rural Crime or Community Safety	
Rural Development	X
Agri-Environment	X
Other (Please state)	

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes $\boxed{\text{X}}$ No $\boxed{}$ If the response is NO GO TO Section 3E.

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders	Published Statistics	
Consultation with Other Organisations	Research Papers	X
Surveys or Questionnaires	Other Publications	X
Other Methods or Information Sources (include details in Question 3C below).		X

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

This policy is a legislative one. The legislation is new, research and analysis is based primarily on existing Data protection studies which indicated there was a requirement for greater protection of personal data to reflect the modern technological demands arising from society.

Rural dwellers are afforded the same legislation rights as urban dwellers.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

Mid Ulster is made up of a vast number of rural settlements as well as 4 urban settlements. Certain groups and individuals can experience the effects of poverty and social isolation as a result of certain barriers presented for rural dwellers. A high percentage of personal data is now processed electronically and access to good telecommunications is a requirement and complimentary consideration of in terms of individual quality of life particularly in relation to issues such as social connectedness, wellbeing, improving knowledge and skills and enhanced confidence, pleasure and enjoyment. Research shows that although internet services have improved in many of the rural areas within Mid Ulster over recent years, quality of access is still poorer for rural than urban premises. It is worth noting that these needs can be experienced both on an individual basis and collectively in many of our rural settings.

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

Not applicable

SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

Whilst this policy is largely as a result of the introduction of the new Data Protection Act 2018, Mid Ulster District Council's Community Plan places s strong emphasis on the role of many of the district's smaller towns and villages with an innovative approach taken to local village planning that sees many actions (identified by local rural communities) fulfilling and meeting the needs of local residents and businesses. Additionally, the Community Plan further recognises a need for more new and innovative approaches to dealing with the issues in rural areas which take account of particular circumstances which people in rural areas face.

SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes ☐   No ☒ If the response is NO GO TO Section 5C.

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

If the response to Section 5A was YES GO TO Section 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

The policy has been designed with all stakeholders being considered. The data Protection policy reflects a summary of the legislative instrument ,i.e. the requirement for the Council, the rights afforded to individuals and the greater controls and consequences to the Council .

When the policy was being developed, it was recognized that only 4 settlements are classed as 'urban' therefore the focus of the policy is district wide.

SECTION 6 - Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled. ☒

Rural Needs Impact Assessment undertaken by:	Barry O'Hagan
Position/Grade:	Head of IT
Division/Branch	Finance
Signature:	
Date:	
Rural Needs Impact Assessment approved by:	JJ Tohill
Position/Grade:	Director of Finance
Division/Branch:	Finance
Signature:	
Date:	22/08/2018

General Data Protection Policy

Document Control		
Policy Owner	Head of IT, Barry O'Hagan	
Policy Author	Head of IT, Barry O'Hagan	
Version	1.0	
Consultation	Senior Management Team Yes / No	
	Trade Unions Yes / No	
Equality Screened by	Yes/ No	**Date**
Equality Impact Assessment	Yes or No or N/A	**Date**
Good Relations	Yes or No or N/A	
Approved By	(Policy & Resources)	**Date**
Adopted By	Council	**Date**
Review Date		**By Whom**
Circulation	Councillors, Staff, Intranet	
Document & legislation Linkages and	Internet policy Mobile Phone Policy Email and Instant Messaging Policy The Privacy and Electronic Communications Regulations (PECR) Regulation of Investigatory Powers Act 2000 Lawful Business Practice Regulations,.	

CONTENTS PAGE (to be finalised last)

2

1.0   INTRODUCTION

The new Data Protection Act 2018 (DPA) replaces the old data protection legislation and came into force on 25th May 2018.

The 2018 Act modernises data protection laws in the UK to make them fit-for-purpose for our increasingly digital economy and society. As part of this, the 2018 Act applies the EU's GDPR standards, by having strong data protection laws and appropriate safeguards.

The legislation is ensuring that modern, innovative uses of data can continue. At the same time, it has strengthened the controls and protection individuals have over their data.

The data protection principles set out the main responsibilities for the Council.
The principles are similar to those in the old DPA, with added detail at certain points and a new accountability requiring Council demonstrates and documents how we comply with the principles – for example by documenting the decisions you take about a processing activity.

Good Data Protection practice is not just a matter of legal compliance and ticking the boxes. Data Protection is about taking care of people and respecting their privacy. Poor practice or a serious breach could not only harm individuals but would also have a serious effect on the reputation, employees and the financials of the Council.

2.0   POLICY AIM & OBJECTIVES

2.1   **Policy Aim**:

  i.   To provide assurance to our employees and public that we seek to protect the information we hold and used it for legitimate purposes.

  ii.   To replace the existing Policy and ensure Council meets the requirements of the General Data Protection Act 2018

  iii.   To ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act 2018, and that they are aware of their personal data protection liabilities, setting out the standards expected by the Council in relation to processing of personal data and safeguarding individuals' rights and freedoms.

2.2   **Policy Objectives:**

To ensure the protection of personal and sensitive information of staff and our customers.

To ensure all staff across the Council are aware of, and understand the importance of, data protection and confidentiality.

To assist the Council to comply with all requirements of the DPA.

To ensure procedures are in place across the Council for staff, contractors and members regarding disclosure of personal information.

To increase the awareness of data subjects to the amount of personal data processed and stored by the Council about them and advise them of their rights under the data protection legislation.

To ensure all staff receive appropriate data protection training, with regular updates or when significant data protection guidance changes.

3

3.0   POLICY SCOPE

This policy applies to

- •all substantive and temporary employees of Mid Ulster District Council
- •any individual including contractors, volunteers and others who work on behalf of the Council
- •all work experience and other students
- •Councillors

This policy outlines the behaviours and responsibilities expected in order to ensure the Council continues to fulfil its obligations under the Data Protection Act 2018 and their related and all subsequent Data Protection legislation.

It applies to all data that the Council holds relating to identifiable individuals,
This can include:

Personal information	Special category personal data
	Special category data is personal data, which GDPR considers sensitive and deserving of extra attention:
First name & family name or surname	racial or ethnic origin
address	religious or other philosophical beliefs
telephone numbers	political opinions
date of birth	trade union membership
age	physical or mental health or condition
qualifications	sexual orientation.
training records	offences (including alleged offences)
financial information	processing of genetic data
licensing information	processing biometric data for the purposes of identifying a natural person
enforcement action	health data
complaint information	

This list is intended as a guide and is not exhaustive.

4.0   LINKAGE TO CORPORATE PLAN

With reference to Mid Ulster District Council's Corporate Plan 2015-2019, this policy contributes toward the vision of professional and trustworthy services and contributes to the delivery of the Corporate Theme 'Delivering for our people' : 1.1 High performing services focused on customer need and value for money.

5.0   DATA PROTECTION PRINCIPLES

4

5.1 The legislation places a responsibility on every data controller(Council) to process any personal data in accordance with the eight principles. More detailed guidance on these principles can be found in the link to the ICO's website (www.ico.gov.uk).
In order to comply with its obligations, Mid Ulster District Council undertakes to adhere to the eight principles:

5.11) Process personal data fairly and lawfully.
Council will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

5.12) Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.
Council will ensure that the reason for which it collected the data originally is the only reason for which it processes the data, unless the individual is informed of any additional processing before it takes place.

5.13) Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.
Council will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms and mechanisms for collecting data will always be drafted with this mind.

5.14) Keep personal data accurate and, where necessary, up to date.
Council will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the Council if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the Council to ensure that any notification regarding the change is noted and acted on.

5.15) Only keep personal data for as long as is necessary.
Council undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Council will regularly review of the information held and destroy it in accordance with its information and retention schedule. Council will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste).

5.16) Process personal data in accordance with the rights of the data subject under the legislation.
Individuals have various rights under the legislation including a right to:

- be told the nature of the information the Council holds and any parties to whom this may be disclosed.
- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision taking process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- sue for compensation if they suffer damage by any contravention of the legislation.
- take action to rectify, block, erase or destroy inaccurate data.
- request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

5

Council will only process personal data in accordance with individuals' rights.

5.17) Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.
Council will ensure that all personal data is accessible only to those who have a valid reason for using it.
Council will implement appropriate and reasonable security measures e.g. ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access):e.g.

- keeping all personal data in a lockable cabinet with key-controlled access.
- Maintaining information security processes, procedures, physical and technical controls and policies to protect all personal data held.
- Maintain systems to protect personal data from malicious attack affecting its confidentiality ,integrity and availability.
- Operate appropriate measures for the deletion of personal data on manual and electronic formats.

5.18) Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

5.2 Our legal basis for using personal data

Everything we do with records about individuals – obtaining the information, storing it, using it, sharing it, even deleting it – will have an acceptable legal basis. There are six of these:

- Where it involves the exercise of a public function – i.e. most activities of most government, local government and other public bodies.
- Where it is *necessary* in connection with a contract between the Council and the individual.
- Where it is *necessary* because of a legal obligation.
- Where it is *necessary* in our legitimate interests, as long as these are not outweighed by the interests of the individual.
- Where it is *necessary* in an emergency, to protect an individual's 'vital interests'.
- Consent from the individual (or someone authorised to consent on their behalf).

Where we are basing our processing on consent we will be able to 'demonstrate' that we hold consent.

Council will ensure that any data collection is transparent and the individual will be aware of the purpose for same , e.g. in a short statement on a form(fair collection statement) explaining the use of that data etc.

6

5.3 Disclosure of Data

Only disclosures which have been notified under the Council's privacy notices and therefore staff should exercise caution when asked to disclose personal data held on another individual or third party.
Council undertakes not to disclose personal data to unauthorised third parties, but legitimate disclosures may occur e.g.:

- the individual has given their consent to the disclosure.
- the disclosure has been notified to the OIC and is in the legitimate interests of
- the Council.
- the disclosure is required for the performance of a contract.
- There are other instances when the legislation permits disclosure without the consent of the individual.
-

In no circumstances will Council sell any of its databases to a third party.

5.4 Subject Access Rights (SARs)

Individuals have a right to access any personal data relating to them which are held by the Council. Any individual can exercise this right verbally or in writing to the Data Protection Officer(DPO). (see appendix 1).
Any such request to access personal data is called a Subject access request. Any member of staff receiving a SAR should forward this to the DPO.
Under the terms of the legislation, any such requests must be responded to within one month of receipt.

In most cases Council cannot charge a fee to comply with a subject access request but where the request is manifestly unfounded or excessive Council may charge a "reasonable fee" for the administrative costs of complying with the request.

The Council will ask for information necessary to confirm the identity of the requester.

Requested personal data will be retrieved from the relevant department and screened by the DPO before completion within a month of receipt. Failure to meet SAR timescales will expose the council to risk of fines and further action from the ICO.

5.5 Council Marketing

The Council may hold and process some personal data for marketing purposes, e.g.
Customer information for arts and cultural programmes and other events
Photographs for use in printed and online promotional activity.

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted Council access only. Therefore, it is Council policy to offer an opportunity to opt-in for marketing purposes when collecting the information.

5.6 Email

It is the policy of Council to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information Legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the Council's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the Council may be accessed by someone other than the recipient for system management, security purposes and other reasons as set out in the email and instant messaging policy.

5.7 CCTV

There are some CCTV systems operating within Council and town centres for the purpose of protecting the Public and or Council property. Council has carried out privacy impact assessments in respect of these installations and will only process personal data obtained by the CCTV system in a manner which ensures compliance with our policy and applicable legislation.

5.8 Breach of Personal Data

Any incident or action that affects the confidentiality, integrity or availability of personal data could potentially be a breach that Council may have to report to the ICO within 72 hours of becoming aware of it. Such reports will be sent to the ICO using appendix 4 to the ICO in accordance with their latest guidelines.

In short, there will be a personal data breach whenever
- any personal data is lost, destroyed, corrupted or disclosed;

- if someone accesses the data or passes it on without proper authorisation.

- or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

Notification Requirement: such incidents must be brought to any member of the team in accordance with procedures defined in appendix 2. Council must quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the ICO if required.(See appendix 2 for further details).

6.0   **ROLES AND RESPONSIBILITIES**

6.1   The Chief Executive is ultimately responsible for our compliance with data protection legislation.

As a public authority as defined under the legislation the Council has appointed a Data Protection Officer (see appendix 1)
The DPO's minimum tasks are defined as:

- to inform and advise the controller, its employees, and any associated processors about their obligations to comply with the GDPR and other relevant data protection laws such as Part 3 of the Bill;
- to monitor compliance with data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits; and
- to be the first point of contact for the Information Commissioner and for individuals whose data is processed (employees, customers etc).

Senior Management Team

The Senior Management Team are responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the Council.

Compliance with the legislation is the personal responsibility of all members of the Council who process personal information. Potential breaches of this policy will be investigated and subject to Mid Ulster District Council's or other relevant disciplinary procedure.

Heads of Service and Managers

Managers within every service or business area are responsible for implementing and ensuring compliance with data protection procedures. This includes the requirement to take all reasonable steps to ensure compliance by third parties.

SMT &Managers must contact the DPO or Solicitor if they are unsure about any aspect of the DPA requirements including

- what security or other measures they need to implement to protect personal data.
- the lawful basis which they are relying on to process personal data
- consent matters for processing personal data
- privacy notices or other transparency information
- the retention periods.
- the transfer of personal data outside the European Economic Area (EEA)
- engaging in a significant new, or change in, processing activity which is likely to require a Data Protection Impact Assessment (by Design and by Default)
- to use personal data for purposes other than those for which it was originally collected
- activities involving automated processing.
- help with any contracts or other areas in relation to sharing personal data with third parties (including our contractors)
- sharing data with another organisation or person in a way which is new or could affect data subjects' rights.
- Any potential or suspected breach or incident relating to personal data.(see Appendix 2)

All Staff

Everyone working for us or on our behalf is required to comply with this policy.
Everyone working for us or on our behalf is responsible for ensuring that they understand and follow this policy and other procedures relating to the processing and use of personal data and support us in complying with data protection legislation.

Staff who handle personal data will be required to complete mandatory data protection training.

Elected Members

Members Elected members will endorse the policy, its implementation and procedures.

Compliance

We will regularly review monitor and audit the systems and processes under our control to ensure they comply with this policy. We will investigate any alleged breach of this policy in line with the breach process in Appendii 2&3 and assess whether the incident is reportable

to the ICO using Appendix 4. An investigation could result in us taking action up to and including dismissal; removal from office; or, termination of a contract for services.

7.0 IMPACT ASSESSMENTS

7.1 **Equality Screening & Impact**

7.2 The policy has been subjected to equality screening in accordance with the Council's screening process. The outcome of the screening has screened this policy out.

7.3 **Rural Needs Impact**
The policy has been subjected to a rural needs impact assessment and this policy has considered the assessment during the policy development.

7.4 **Staff & Financial Resources**

This policy requires resources to train those staff handling personal data. Online E Learning and class based learning may be used. The council will assign sufficient resources to accommodate these training requirements.
No issues have been identified which would significantly impact on the Councils resources and delivery of its business as a result of this policy being implemented.

8.0 SUPPORT AND ADVICE

8.1 Advice and guidance on the implementation of this should be sought from the DPO or Council solicitor.

9.0 COMMUNICATION

9.1 Council will ensure that all staff processing personal data receive required training on data protection.
Council will ensure that those who are responsible for implementing this policy, or responding to subject access requests under this policy, will receive additional training and resources to help them understand and to comply with them.

9.2 This policy will be published on the Intranet and brought to the attention of all staff within the Council.

10.0 MONITORING & REVIEW ARRANGEMENTS

10.1 Implementation of this policy will be monitored and a formal review undertaken 24 months from its effective date.

Appendix 1

Mid Ulster District Council

Data Controller Name: Mid Ulster District Council

Address: c/o Dungannon Office, Circular Road, Dungannon, BT71 6DT

Telephone: 03000 132 132

Data Protection Officer Name: Barry O'Hagan

Telephone: 03000 132 132

Email: barry.ohagan@midulstercouncil.org

Council's Data Protection Registration reference: **ZA086387**

Appendix 2

Data Breach Procedure and Response Plan (draft)

A personal data breach can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data. In short, there will be a personal data breach whenever

- any personal data is lost, destroyed, corrupted or disclosed;

- if someone accesses the data or passes it on without proper authorisation.

- or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

Notification Requirement: when a security incident takes place, Council must quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the ICO if required.

Alert Response

The data breach process is initiated when anyone notices that a suspected or alleged or actual data breach occurs. The DPO or any member of the Data Breach Response team must be notified as soon as possible and not later than 24hrs from becoming aware .

The data response team is made up of ;

>   The Data Protection Officer

>   Director of Finance

>   Any member of the IT team

Where a privacy data breach is known to have occurred (or is suspected) any member of response team staff who becomes aware of this must, within 24 hours, alert a member of data response team in the first instance.

The Information that should be provided (if known) at this point includes:

- When the breach occurred (time and date)
- Description of the breach (type of personal information involved)
- Cause of the breach (if known) otherwise how it was discovered
- Which system(s) if any are affected?
- Which directorate/faculty/institute is involved?
- Whether corrective action has occurred to remedy or ameliorate the breach (or suspected breach)

A template can be found at **Appendix 3** to assist in documenting the required information.

Assess and determine the potential impact.
Once notified of the information above, the team must consider whether a privacy data breach has (or is likely to have) occurred and make a preliminary judgement as to its severity. The DPO should be contacted for advice.

12

Primary role of the Response Team

There is no single method of responding to a data breach and each incident must be dealt with on a case by case basis by assessing the circumstances and associated risks to inform the appropriate course of action.

The following steps may be undertaken by the Response Team (as appropriate):

•Immediately contain the breach (if this has not already occurred). Corrective action may include: retrieval or recovery of the personal information, ceasing unauthorised access, shutting down or isolating the affected system.

•Evaluate the risks associated with the breach, including collecting and documenting all available evidence of the breach having regard for the information outlined above.

•Call upon the expertise of, or consult with, relevant staff in the circumstances.

•Engage an independent cyber security or forensic expert as appropriate.

•Assess whether serious harm is likely

•Make a recommendation to the DPO whether this breach constitutes a Notifiable incident for the purpose of mandatory reporting to the ICO and the practicality of notifying affected individuals. Consider developing a communication or media strategy in conjunction with the marketing and communications team including the timing, content and method of any announcements to staff or the media.

The Response Team must undertake its assessment within 48 hours of being convened.

The DPO will provide periodic updates to the Chief Executive and or deputy as deemed appropriate.

Appendix 3

Data Incident Reporting Form

Instructions: This form is to be completed as soon as possible following the detection or reporting of an Information Technology (IT) security incident. All items completed should be based on information that is currently available. This form may be updated and modified if necessary.

1. Contact Information for this Incident	
Name:	
Title:	
Work Phone:	
Mobile Phone:	
Email address:	

2. Incident Description.
Provide a brief description:

3. Impact / Potential Impact Check all of the following that apply to this incident.

☐ Loss / Compromise of Data ☐ Damage to Systems ☐ System Downtime ☐ Financial Loss	☐ Other Organisations' Systems Affected ☐ Damage to the Integrity or Delivery of Critical Goods, Services or Information ☐ Violation of legislation / regulation ☐ Unknown at this time

Provide a brief description of the impact:

Provide a brief description of data that was compromised:

14

5. Who Else Has Been Notified?

Provide Person and Title:

6. What Steps Have Been Taken So Far? Check all of the following that apply to this incident.

☐ No action taken	☐ Restored backup from tape
☐ System Disconnected from network	☐ Log files examined (saved & secured)
☐ Updated virus definitions & scanned system	☐ Other – please describe:

Provide a brief description:

7. Incident Details

Date and Time the Incident was discovered:	
Has the incident been resolved?	
Physical location of affected system(s):	
Number of sites affected by the incident:	
Approximate number of systems affected by the incident:	
Approximate number of users affected by the incident:	
Please provide any additional information that you feel is important but has not been provided elsewhere on this form.	

Please submit this completed form to :Head of IT

Barry.ohagan@midulstercouncil.org

15

ico.
Information Commissioner's Office

Report a personal data breach

This form is for organisations that have experienced a personal data breach and need to report it to the ICO. Please do not include any of the personal data involved in the breach when completing this form. For example, do not provide the names of data subjects affected by the breach. If we need this information, we will ask for it later.

If you have already spoken to a member of ICO staff about this breach, please give their name:

[   ]

Report type

○ Initial report

○ Follow-up report

(Follow-up reports only) ICO case reference: [   ]

About the breach

What has happened?

Tell us as much as you can about what happened, what went wrong and how it happened.

[   ]

Was the breach caused by a cyber incident?

○ Yes

○ No

○ Don't know

How did you find out about the breach?

[   ]

When did you discover the breach?

Date: [   ]

16

Time: [ ]

When did the breach happen?

Date: [ ]

Time: [ ]

Categories of personal data included in the breach (tick all that apply)

- ☐ Data revealing racial or ethnic origin
- ☐ Political opinions
- ☐ Religious or philosophical beliefs
- ☐ Trade union membership
- ☐ Sex life data
- ☐ Sexual orientation data
- ☐ Gender reassignment data
- ☐ Health data
- ☐ Basic personal identifiers, eg name, contact details
- ☐ Identification data, eg usernames, passwords
- ☐ Economic and financial data, eg credit card numbers, bank details
- ☐ Official documents, eg driving licences
- ☐ Location data
- ☐ Genetic or biometric data
- ☐ Criminal convictions, offences
- ☐ Not yet known
- ☐ Other (please give details below)

[ ]

Number of personal data records concerned?

[ ]

How many data subjects could be affected?

[ ]

Categories of data subjects affected (tick all that apply)

- ☐ Employees

17

- [ ] Users
- [ ] Subscribers
- [ ] Students
- [ ] Customers or prospective customers
- [ ] Patients
- [ ] Children
- [ ] Vulnerable adults
- [ ] Not yet known
- [ ] Other (please give details below)

Potential consequences of the breach

Please describe the possible impact on data subjects, as a result of the breach. Please state if there has been any actual harm to data subjects

What is the likelihood that data subjects will experience significant consequences as a result of the breach?

- ○ Very likely
- ○ Likely
- ○ Neutral - neither likely nor unlikely
- ○ Unlikely
- ○ Very unlikely
- ○ Not yet known

Please give details

(Cyber incidents only) Has the confidentiality, integrity and/or availability of your information systems been affected?

- ○ Yes
- ○ No
- ○ Don't know

(Cyber incidents only) If you answered yes, please specify (tick all that apply)

- [ ] Confidentiality

18

☐ Integrity

☐ Availability

(Cyber incidents only) Impact on your organisation

○ High - you have lost the ability to provide all critical services to all users

○ Medium - you have lost the ability to provide a critical service to some

○ Low - there is no loss of efficiency, or a low loss of efficiency, and you can still provide all critical services to all users

○ Not yet known

(Cyber incidents only) Recovery time

○ Regular - you can predict your recovery time, with existing resources

○ Supplemented - you can predict your recovery time with additional

○ Extended - you cannot predict your recovery time, and need extra resources

○ Not recoverable - recovery from the incident is not possible, eg backups can't be restored

○ Complete - recovery is complete

○ Not yet known

Had the staff member involved in this breach received data protection training in the last two years?

○ Yes

○ No

○ Don't know

(Initial reports only) If there has been a delay in reporting this breach, please explain why

19

(Follow-up reports only) Describe any measures you had in place before the breach with the aim of preventing a breach of this nature*

Taking action

Describe the actions you have taken, or propose to take, as a result of the breach

Include, where appropriate, actions you have taken to fix the problem, and to mitigate any adverse effects, eg confirmed data sent in error has been destroyed, updated passwords, planning information security training.

(Follow-up reports only) Outline any steps you are taking to prevent a recurrence, and when you expect they will be completed*

Have you told data subjects about the breach?

○ Yes, we've told affected data subjects

○ We're about to, or are in the process of telling data subjects

○ No, they're already aware

○ No, but we're planning to

○ No, we've decided not to

○ We haven't decided yet if we will tell them or not

○ Something else (please give details below)

Have you told, or are you planning to tell any other organisations about the breach?

eg the police, other regulators or supervisory authorities. In case we need to make contact with other agencies

○ Yes

○ No

○ Don't know

If you answered yes, please specify

About you

Organisation (data controller) name

[ ]

Registered organisation address

[ ]

Person making this report

In case we need to contact you about this report

Name: [ ]

Email: [ ]

Phone: [ ]

Data protection officer

Or the senior person responsible for data protection in your organisation

☐ Same details as above

Name: [ ]

Email: [ ]

Phone: [ ]

Sending this form

Initial report

If this is your initial report, please send your completed form to casework@ico.org.uk, with 'Personal data breach notification' in the subject field.

Follow up report

If this is a follow up report, please *reply to the email we sent you*, attaching this completed form to it. (Make sure you leave the subject line as it is – this will ensure your follow-up gets added to your case).

OR, send by post to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Please note that we cannot guarantee security of forms or any attachments sent by email.

21

What happens next?

You should read our guidance to determine what steps you should take.

Based on the information you have provided, we will contact you within seven calendar days to provide information about our next steps. If this is your initial report, we'll give you a case reference number.

If your correspondence relates to an existing case, we'll add it to your case for your case officer to consider.

If you need any help in completing this form, please contact our helpline on 0303 123 1113 (operates 9am to 5pm Monday to Friday).

For information about what we do with personal data see our privacy notice.

Report on	Property Services – Report for permission to commence consultation on the Draft Council Fleet Safety Policy
Date of Meeting	6th September 2018
Reporting Officer	Terry Scullion - Head of Property Services
Contact Officer	Paddy Conlon, Building and Assets Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	**Purpose of Report**
1.1	To seek members approval to proceed with consultation of a new Fleet Safety Policy developed for Mid Ulster District Council.

2.0	**Background**
2.1	The policy will provide a consistent working platform for the control and management of fleet operations and Council's Transport undertaking. It will also contribute to the Property Services Improvement Plan (SIP) for 2018/19 by promoting the continuous improvement of Council's fleet management systems.

3.0	**Main Report**
3.1	The fleet safety policy is a key requirement for the development of the council's fleet management system. The fleet safety policy will: • Demonstrate that MUDC is committed to addressing its legislative Transport Management undertakings and obligations • Provide and maintain the safety of both operatives and members of the general public through stringent vehicle selection methods and delivery of sound maintenance and driver/operative training. • Reinforce its commitment to 'Carbon Reduction' by selecting vehicles which meet or exceed EU emission requirements at time of purchase. • Provide a framework for Transport Management at all levels which adopts and supports best practice in frontline service delivery and operations.
3.2	As this is a new council policy, it is essential to ensure a consultation process is undertaken with staff to promote staff buy-in and participation across the organisation

4.0	Other Considerations
4.1	**Financial, Human Resources & Risk Implications**
	Financial: None
	Human: Staff resource to carry out internal consultation and provide support to ensure consistent policy implementation and review.
	Risk Management: Compliance with the Goods Vehicle Licensing of Operators Act (NI) 2010 became mandatory that all operators of vehicles with a Maximum Authorised Mass (MAM) exceeding 3500 Kg hold an Operator's Licence. Policy implementation will help meet Council's Transport Management undertaking, License compliance and safety.
4.2	**Screening & Impact Assessments**
	Equality & Good Relations Implications: An equality impact assessment has been undertaken for the policy.
	Rural Needs Implications: A rural impact assessment has been undertaken for the policy.
5.0	**Recommendation(s)**
5.1	Members are requested to approve the draft policy and proceed with internal consultation.
6.0	**Documents Attached & References**
6.1	Appendix 1 – Draft Fleet Safety Policy
6.2	Appendix 2 – Equality Screening
6.3	Appendix 3 –Rural Impact Screening

Fleet Safety Policy

Document Control			
Policy Owner	Head of Property Services		
Policy Author	Transport Manager Building and Asset Services Manager		
Version	V3.0 draft		
Consultation	Senior Management Team <u>Yes</u> / No Trade Unions <u>Yes</u> / No		
Equality Screened by	Transport Manager	**Date**	19/06/18
Equality Impact Assessment	Transport Manager	**Date**	19/06/18
Good Relations	N/A		
Approved By	Environmental Committee	**Date**	
Adopted By	Council	**Date**	
Review Date	September 2020	**By Whom**	Transport Manager
Circulation	Mid Ulster DC Staff		
Document Linkages	Council's Operator License Fleet Safety Procedures Driver Handbook		

CONTENTS PAGE

1.0 INTRODUCTION

1.1　In the delivery of services to the public, Mid Ulster District Council (from here on referred to as MUDC) operates a sizable mixed vehicle fleet. It excludes Council's grey fleet.

1.2　The Fleet Safety Procedure documents Council's commitment to ensuring that all Fleet related activity will be managed and controlled in accordance with current and future legislation and in the interests of the safety and wellbeing of personnel and members of the public.

1.3　In 2010 legislation in the form of 'The Goods Vehicle Licensing of Operators Act' (NI) 2010 was passed in Parliament. From 01 July 2012 this law came into force and the Transport Regulation Unit (TRU) became the body responsible for enforcing all areas of non-compliance. Previously local authorities within Northern Ireland were exempt from holding an Operator's Licence (hereafter known as an 'O' Licence).   In order to drive improvement in the industry it became mandatory that all operators of vehicles with a Maximum Authorised Mass (MAM) exceeding 3500 Kg hold an 'O' licence.

2.0 POLICY AIMS AND OBJECTIVES

2.1　The aim of this policy is to:

- Demonstrate that MUDC is committed to addressing its legislative Transport Management undertakings and obligations

- Provide and maintain the safety of both operatives and members of the general public through stringent vehicle selection methods and delivery of sound maintenance and driver/operative training.

- Reinforce its commitment to 'Carbon Reduction' by selecting vehicles which meet or exceed EU emission requirements at time of purchase.

- To provide a framework for Transport Management at all levels which adopts and supports best practice in frontline service delivery and operations.

3.0 POLICY SCOPE

3.1　This policy applies to all personnel who drive, maintain or operate vehicles on behalf of Council together with the corresponding management structures.

3.2　It should be considered alongside existing organizational policies and guidelines such as 'Non Smoking and Non Vaping', 'Customer Services' and 'Code of Conduct for Local Government Employees., etc.

3.3   Although the terms and conditions of 'O' Licensing refer only to vehicles with a MAM greater than 3500 Kg, this procedure applies to all Council Fleet assets whether owned, leased or hired and all drivers whether full-time, part-time or agency workers.

4.0   LINKAGE TO CORPORATE PLAN

4.1   This policy is consistent with Council's corporate priorities. It contributes towards the Corporate Theme: Delivering for our People and provides a framework to facilitate safe delivery of services.

5.0   ROLES AND RESPONSIBILITIES

5.1   Chief Executive

The Chief Executive is at the top of the organizational structure and has overall executive responsibility for the compliance with the conditions of Council's O License and other Fleet assets operated and maintained on behalf of Council.

5.2   Directors

- Embrace the importance of managing and controlling the Fleet in a safe and compliant fashion including retention of the Council's Operator Licence for fleet greater than 3,500kg and its transport management undertaking.

- Ensure that the organisation receives and updates this Policy as and when required.

- Ensure that adequate resources are provided to allow for the effective and compliant management of fleet issues.

- Monitor fleet performance and champion a 'top-down' strategy of continuous improvement with regard to fleet management.

- Ensure that all staff under their remit are aware of and embrace their responsibilities under the details of this policy and ensure appropriate communication mechanisms are in place.

- Ensure the adequate provision of information, instruction and training in Fleet Safety and Operators Licence Compliance matters and such provisions as is necessary for members of the department on commencing work as required thereafter.

- Co-operate with any Transport Management investigations, monitoring or auditing.

5.3   Heads of Service

- Implement the Fleet Safety Policy and Procedures in their areas of responsibility.

- Recognise and embrace their role within the management of fleet operatives whilst ensuring staff under their control are aware of and adhere to policy guidelines.

- Provide assistance and the resources necessary to implement and maintain the Fleet Safety Policy and procedures.

- Communicate fleet safety responsibilities and accountabilities to all employees.

5.4   Managers/Principles

- Work closely with Fleet Management to ensure all staff under their remit is aware of and conform to the terms and conditions of this procedure.

- Ensure employees receive adequate training and instruction on the correct safe procedures required.

- Ensure all safety instructions, procedures and practices are carried out and that no defective plant, equipment, tools or vehicles are used or operated.

- Frequently check for compliance of the Fleet Safety Policy and Procedural requirements

- Facilitate specific vehicle safety training and ensure drivers are adequately qualified and trained before assigning the driver to a vehicle (this includes temporary/agency staff).

- Investigate accidents and implement preventative measures to avoid recurrences.

- Be responsible for ensuring risk assessments are carried out for driving and service operating involving fleet assets.

5.5   Supervisors / Duty Officers / Wardens

- Be responsible for all drivers under their control

- Ensure that employees do not drive Council vehicles unless they have a valid driver's licence and hold the correct category for the vehicle type they are assigned to.

- Ensure only authorised personnel are allowed to operate council vehicles and diverse plant and machinery.

- Ensure drivers are adequately qualified and trained before assigning the driver to a vehicle (this includes temporary/agency staff).

- Assume responsibility for the driving record of employees while they are on duty.

- Ensure employees complete a thorough daily pre-use inspection check of the vehicle they are assigned to drive and report any vehicle defects.

- Be alert in observing unsafe practice of employees and ensure action is taken immediately to correct the driver.

- Ensure vehicle safety features are appropriate for the working environment.

- Ensure that all vehicles are operated within their designated load and occupancy limits.

- Conduct unannounced spot inspections of vehicles.

- Investigate and report all accidents involving a motor vehicle used in performing council business and implement preventative measures to avoid recurrences.

- Review all preventable vehicle collisions with employees and discuss each unsafe act that was responsible.

- Periodically accompany the vehicle and driver to check for compliance with operating instructions.

- Be responsible for taking appropriate action to manage any high risk drivers and request for driver training either internally or through external means.

- Make sure any unsafe vehicles are not driven until safety discrepancies have been corrected.

- Fully utilize the decisions and recommendations handed down by the Fleet Management team and Health & Safety Officers in the delivery of Council services

5.6   Health & Safety

- Advise Senior Management and their staff on matters pertaining to driving safety and assist, where appropriate, in implementing this Policy and related procedures with regard to their duties under it.

- Liaise with Fleet Management to monitor and audit this Policy, its systems and procedures across all service areas on a regular basis.

- Provide advice, guidance and training in order to rectify any non-conformances identified during monitoring/audits.

- Assist in the investigation, reporting and analysis of road traffic incidents, accidents or dangerous occurrences and advise on any appropriate action to be taken.

- Assist in monitoring the driving experience of employees who operate company vehicles.

- Investigate and analyse data pertaining to fleet related incidents/accidents and communicate information to Fleet Management and Supervisors.

5.7   Property Services

- Through the Head of Property Services and the Transport Manager be the appointed CPC holder of the Councils Operator License with responsibility for Council's Transport Management undertaking and Fleet Compliance.

- Provide a Fleet Management service to facilitate, manage and advise on all aspects of fleet compliance.

- Manage a structured vehicle management program for the periodic inspection, maintenance and service of Council vehicles, plant and machinery.

- Manage a fleet replacement programme of procuring vehicles that meet an appropriate specification that includes safety features which optimise the safety of drivers and operatives.

- Manage systems for the periodic checks of driver's licences, driver's fitness to work and declarations of other work.

- Advise and facilitate training to vehicle users to ensure they are licensed and competent to drive and operate any associated equipment safely without risk to themselves or others.

- Monitor the effectiveness of the systems in place to examine driver behaviour, vehicle performance, daily vehicle checks and defect reporting.

- Review and investigate fleet related accidents/incidents alongside the relevant Department's Supervisors and Health & Safety Officers.

- Remove any Council vehicle from service if it is found not to be in a roadworthy condition.

- Ensuring all legislative change and requirements are communicated to relevant staff in an effective manner.

- Managing and operating the in-house and external Transport Workshops in a compliant fashion.

- Manage the professional development of Transport Workshop staff.

5.8   All drivers

- Ensure their licence is valid, in date and have the correct category entitlement before undertaking any journey.

- Report to their Supervisor and Fleet Management as soon as possible any changes in circumstances that may affect their entitlement to drive.

- Act in an appropriate and professional manner at all times and abide by any rules set in the Highway Code and comply with all vehicle and driver safety legislation.

- Assist the management staff by completing and returning any required paperwork and other information required in a timely fashion. This is to include Mandate forms, Fitness declarations, other work declarations, Daily walk around check sheets, Fuel receipts, road traffic accident reports, Driver's log books and Digital driver card downloads.

- Take ownership of the vehicle they are driving to ensure its roadworthiness is assessed each day by completing a daily walkaround check and submitting the defect sheet to their Supervisor.

- Comply with all aspects of 'The Road Traffic Act' (1988) to include speed limits, driver's hours, etc and all relevant Council policies applicable to their field of responsibility.

- Be responsible for the security of vehicle and its load and ensure the vehicle is not overloaded.

- Never drive a vehicle under the influence of alcohol or illegal substances. This includes any legal medication prescribed by your GP or hospital that could affect your driving ability.

- Not place themselves or others affected by their actions at risk during a journey or driving related activities.

- Undertake instruction and training as required by management or external training providers, to include DCPC periodic training (were applicable).

- Take ownership of council vehicles and exercise due care and attention at all times.

- Report motor vehicle accidents, incidents, injuries, dangerous occurrences and near misses to their supervisor within 24hours and comply with the accident/incident reporting procedures and investigations.

- Comply with all procedures developed and implemented by Mid Ulster District Council under the terms and conditions of this and all other policies.

- Ensure that council vehicles are used only for council business and that no personal or unauthorsied use of the vehicle is permitted and that no unathorised passengers are permitted to travel in or operate a council vehicle.

- Comply with information, instruction and training in relation to Council's Fleet procedures. Compliance with these procedures will be monitored by Line Management.

- Notify Line Manager/Fleet Manager of any change in their personal circumstances that may affect their suitability to drive e.g. health, medication, licence validity*.

- Wear eyesight correction such as glasses or contact lenses, if required, at all times when driving, to meet the required standard.*

Where an LGV licence is the requirement for a post, the licence renewal fee will not be reimbursed, however the medical fee (where appropriate) will be repaid upon submission of an official receipt from a GP. Where an employee is required by Council to obtain a licence or driver card, the card and /or licence fee shall be paid on the first application and thereafter by the employee.

**Drivers are required by law to have a basic eyesight standard whereby they can read (wearing glasses or contact lenses if required) in good light, a registration mark attached to a vehicle and containing digits that are 79.4 mm high at a distance of 20.5 metres. If this standard cannot be achieved, advice should be sought from a GP or Optician.*

6.0 OPERATIONAL CONSIDERATIONS AND IMPLEMENTATION

6.1 Council requires that all staff members engaged in the operation or management of Fleet related activity, comply in full with the terms and conditions laid out in this policy document without exception. Failure to do so may jeopardise the retention of Council's 'O' Licence and consequently its legitimacy to operate its Fleet functions in-house.

Communicating the key messages of this policy and fleet procedures shall be key to ensuring that employees and managers are aware of their responsibilities and have sufficient understanding to deliver their roles effectively. Failure to comply with the terms and conditions of this Policy shall result in disciplinary action.

Mid Ulster Council are committed to ensuring, so far as is reasonably practicable, the health, safety and welfare of all its employees and of any others who may be affected by Council undertakings in accordance with best practice. To fulfil this commitment, Council will:

Provide so far as is reasonably practicable:

- Arrangements for the safe use, handling, storage and transport of Council vehicles.
- Safe vehicles, plant, equipment and systems of work.
- Follow established robust procedures in relation to the selection, use and maintenance of its fleet assets
- Information, instruction, training and supervision as is necessary to ensure compliance with the 2010 legislation in the form of 'The Goods Vehicle Licensing of Operators Act' (NI) 2010 for users of Council's vehicles.

6.2   Take all reasonable steps to make sure any Council vehicle or plant used for work:

- is fit for purpose and the work activity
- is properly maintained, safe to use and legally compliant
- is serviced on a regular basis and maintenance records and maintenance schedules are kept for all vehicles
- is subject to a programme of planned preventative maintenance including safety inspections
- is covered by an appropriate Council fleet insurance policy and licensed
- meets stringent specifications and are fitted with appropriate safety features to mitigate road and operational risk as far as is reasonably practicable.

6.3   Take all reasonable steps to make sure work-related journeys are:
- thoroughly planned and scheduled, taking account of weather and road conditions,
- not in excess of the daily maximum working/driving hours, including adequate breaks
- completed safely and legally within the allocated time-frame.

6.4   The key pieces of legislation which govern this policy are as follows:

- Road Traffic Regulations (Northern Ireland) Order 1997
- Road Vehicle (Construction and Use) Regulations 1986
- Health and Safety at Work (Northern Ireland) 1978
- Management of Health and Safety at Work (NI) Regulations 2000
- Provision and Use of Work Equipment Regulations (Northern Ireland) 1999
- Working Time Regulations (1998) and subsequent amendments
- Corporate Manslaughter and Corporate Homicide (2007 Act) (Commencement)Order (Northern Ireland) 2012
- The Goods Vehicle Licensing of Operators Act (Northern Ireland) 2010
- Carriage of Dangerous Goods by Road

7.0   IMPACT ASSESSMENT

7.1   While there is no reason to believe that the implementation of this procedure will result in any adverse differential impact on any of the nine equality categories

identified by Section 75 of the Northern Ireland Act 1998. This policy has been "screened out" for equality impact assessment.

7.2   MUDC has a statutory duty to comply with all Goods Vehicle Licensing, and health and safety legislation and is required to do as much as is reasonably practicable to protect the health and safety of its own employees and anyone else who could be affected by its activities. It is essential that sufficient financial investment and resources are made available to achieve compliance with the law.

8.0   SUPPORT AND ADVICE

8.1   Support and advice on this policy can be obtained from Property Services.

9.0   COMMUNICATION

9.1   A master electronic controlled copy of this policy will be kept up-to-date on the Council intranet and notice boards for those limited intranet access.

10.0   MONITORING AND REVIEW ARRANGEMENTS

10.1   The Fleet Safety policy will be reviewed every two years thereafter, or in response to a legislative shift, or identification of enhanced methodology.

	Equality & Good Relations Screening Report

Introduction

Mid Ulster District Council has a statutory duty to screen its policies, procedures, practices/decisions. This Policy Screening Form and Report assists Council Departments to consider the likely equality and good relations impacts of the aforementioned, if any, placed upon our ratepayers, citizens, service users, staff and visitors to the district.

Section 1 – Policy scoping

This asks the Policy Author to provide details on the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations. Reference to policy within this document refers to either of the aforementioned (policy, procedure, practice, and/ or decision).

Section 2 – Screening questions

This asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and issues.

Section 3 –Screening decision

This guides the Council to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity.

Section 4 – Monitoring

This provides guidance to the Council on monitoring for adverse impact and broader monitoring.

Section 5 – Approval and authorisation

This verifies the Council's approval of a screening decision by a senior manager responsible for the policy.

Appendix A   Screening Process

Section 1   Policy Scoping & Information

The first stage of the screening process involves scoping the policy under consideration which sets the context and confirms the aims and objectives for the policy being screened. Scoping the policy helps to identify constraints as well as opportunities and will help the policy author to work through the screening process on a step by step basis.

1. Policy Name
Fleet Safety Policy

2. Is this an existing, revised or a new policy?
The Fleet Safety Policy is a new Policy

3. What is it trying to achieve? (aims/outcomes)
By establishing a Fleet Safety Policy, Mid Ulster District Council is advocating an integration of safe vehicles, safe driving behaviours, and safe management practices as stipulated by the Operator's licence requirements. The Fleet Safety Policy documents Mid Ulster District Council's commitment to ensuring that all fleet related activity will be managed and controlled in accordance with current and future legislation.   - To promote and demonstrate Mid Ulster District Council's commitment in ensuring the Council and its employees at all times: 1) Comply with relevant Road Traffic, Road Vehicle, Operators Licencing and Health and Safety legislation 2) Assess the risks arising from the use of vehicles, plant, equipment and machinery on MUDC business; and 3) Put in place measures to mitigate those risks. 4) Adhere to applicable HR policies   - To increase awareness and understanding among staff of safe driving practices.   - To develop staff driving behaviours that are conducive to road safety.   - To obtain commitment from all staff to use vehicles safely.   - To maximise the acceptance that all vehicle users are expected to have a personal responsibility to drive and operate vehicles, machinery, equipment and plant with due care and attention; and to co-operate in adhering to the Fleet Safety Policy

• To prevent employees who use vehicles, plant, equipment and machinery on MUDC business and all others who are affected by our actions, from suffering accidents, injuries or ill health whilst at work, so far as reasonably practicable.		
4. Are there any Section 75 categories which might be expected to benefit from the intended policy?	Yes	
	No	**No**
5. Who initiated or wrote the policy?		
Building and Asset Services Manager & Transport Manager		
6. Who owns and who implements the policy?		
Transport Manager		

Implementation factors

It is recognised that there will be an associated need for staff to attend training and for some to perform a variety of tasks which may impact on the time available for them to carry out their normal duties.

	Yes	No
Are there any factors which could contribute to/ detract from intended aim/ outcome of the policy?	N/A	
• If yes, are they financial?		No
• If yes, are they legislative?		No
• If yes, Please specify	*Financial:* N/A *Legislative:* N/A	
• Other, Please specify	N/A	

Stakeholders

The internal and external (actual or potential) that the policy will be impacted upon

	Yes	No
Staff	Yes	
Service Users	Yes	
Other public sector organisations	N/A	
Voluntary/community/ trade unions	The Trade Unions will be informed of the matters pertaining to fleet safety and the content of this policy.	
Other, please specify	N/A	

Others policies with a bearing on this policy

Policies	Owners
HR Legacy policy on Alcohol & Drugs in the Workplace	

Available evidence

Information and available evidence (qualitative and quantitative) gathered to inform the policy under each of the Section 75 groups as identified within the Northern Ireland Act 1998.

Section 75 category	Details of evidence/information
Religious belief	63.77% of the population were brought up in the Catholic religion and 33.46% belong or were brought up in a Protestant and Other Christian (including Christian related) religion. Other religions comprised 690 (0.5%) and None 3,153 (2.28%) of the population (Source: 2011 Census).

Religion or Religion brought up in	No.	%
Catholic	88,375	63.77

Protestant and Other Christian (including Christian related)	46,372	33.46	
Other religions	690	0.5	
None	3,153	2.28	
Total	**138,590**	**100**	

Political opinion	Political party representation can be used as an approximate barometer of political opinion of people within Mid Ulster council area. The most recent local government/ council election in 2014 the percentage 1st preference vote share for each of the political party/ independents is detailed bellowed along with representation (seats) on Council (Source: NISRA):

Party	Votes	Percentage	Council Seats
SF	22,587	41.0%	18
DUP	9,723	17.6%	8
UUP	9,573	17.4%	7
SDLP	7,600	13.8%	6
Independent	2,689	4.9%	1
TUV	2,380	4.3%	0
Alliance	250	0.6%	0
UKIP	195	0.4%	0

Racial group	According to the 2011 Census the overwhelming majority of the population 136,485 (98.48%) were classified as 'white'. Within this total will be migrant communities, such as Polish, Lithuanian and so forth. Statistics indicate that the number of people in Mid Ulster Local Government District (LGD) born outside Northern Ireland is:

Place of Birth	No.
Great Britain	4,053
Republic of Ireland	2,250
EU Countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia)	6,795
Other	2,280

The minority ethnic language profile within the area can serve as a possible indicator of the Black & Minority Ethnic (BME) community profile within the district. The composition of language groups in Mid Ulster LGD area is also noted from the 2011 census by NISRA as:

Main Languages of residents in Mid Ulster Council area	No.
English	125,715
Polish	2,008
Lithuanian	2,039
Portuguese	903
Irish (Gaelic)	404
Slovak	477
Russian	297
Latvia	261
Hungarian	117
Chinese	64

Tagalog/Filipino		38	
Malaysian		33	
Other		922	

Age

The age profile of Mid Ulster Local Government District area as at 2015 (Source, NISRA)

	Mid Ulster	Northern Ireland
Total Population	144,002	1,851,621
0-15 years	33,123	385,200
16-39 years	47,646	583,116
40-64 years	43,621	591,481
65+ years	19,612	291,824
Population Change % (2005-2015)	15.3%	7.2%

Marital status

The below table sets out the martial status profile for Mid Ulster District Council area as extracted from results of the 2011 Census

	Mid Ulster		Northern Ireland	
	No.	%	No	%
Single (never married or never registered a same sex civil partnership) (Aged 16+)	38,353	35.97	517,393	36.14
Married (Aged 16+)	54,192	50.82	680,831	47.56
In a registered same sex civil partnership (Aged 16+)	62	0.06	1,243	0.09
Separated (but is still legally married or still legally in a same sex civil partnership) (Aged 16+)	3,369	3.16	56,911	3.98
Divorced or formerly in a same sex civil partnership which is now legally dissolved (Aged 16+)	4,139	3.88	78,074	5.45
Widowed or surviving partner from a same sex civil partnership (Aged 16+)	6,523	6.12	97,088	6.78

| | Sexual orientation | No specific statistics are available from the 2011 government census for this Category and there are therefore no official statistics available in relation to persons of different sexual orientation. However, the Integrated Household Survey would include between 3% and 4% would be either gay, lesbian and/or bisexual. However, due to the nature of 'disclosure' in this area, umbrella organisations often state that the figure may be closer to 10%. |

Region	Heterosexual / Straight	Gay/ Lesbian	Bisexual	Gay/ Lesbian/ Bisexual	Other	Don't know /refuse	No response
England	92.54%	1.10%	0.51%	1.61%	0.33%	4.07%	1.45%
Wales	93.93%	1.04%	0.48%	1.52%	0.45%	2.99%	1.11%
Scotland	94.65%	0.82%	0.33%	1.14%	0.26%	2.59%	1.37%
N Ireland	**93.00%**	**0.64%**	**0.96%**	**1.60%**	**0.26%**	**3.98%**	**1.17%**
Total	92.80%	1.06%	0.51%	1.57%	0.32%	3.89%	1.42%

Research also conducted by the HM Treasury shows that between 5%-7% of the UK population identify themselves as gay, lesbian, bisexual or 'trans' (transsexual, transgendered and transvestite) (LGBT).

Men & women generally

The gender profile of Mid Ulster LGD is detailed as;

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Male	69,362	50.05	887,323	49.00
Female	69,228	49.95	923,540	51.00

Disability

According to the 2011 NISRA census statistics 19.39% of people had a long-term health problem or disability that limited their day-to-day activities whilst 80.43% of people within the district stated their general health was either good or very good

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Disability / long term health	26,870	19.39	374,646	20.69
No disability / long term health problem	111,720	80.61	1,436,217	79.31

In Northern Ireland the profile of persons with a disability has been reported by Disability Action as;

- More than 1 in 5 or 21% of the population have a disability
- 1 in 7 people have some form of hearing loss
- 5,000 persons use sign language - British Sign Language and/or Irish Sign Language
- There are 57,000 blind persons or persons with significant impairment
- 52,000 persons with learning difficulties

| | Dependants | Persons with dependents may be people who have personal responsibility for the care of a child (or children), a person with a disability, and/ or a dependent older person. The below table provides a summary with respect Mid Ulster LGD. |

	Mid Ulster		Northern Ireland	
	No.	%	No.	%
Households with dependent children	18,626	38.99	238,094	33.86
Lone parent households with dependents	3,485	7.30	63,921	9.09
People providing unpaid care	12,821	10.69	231,980	11.82

Of the households in Mid Ulster Local Government District with dependent children, they can be summarised as;

- 7,407 families in households have 1 dependent child
- 6,394 families in households with two dependent children
- 5,014 families in households with three dependent children

There are 37,306 dependent children within families.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None

Men and women generally	None
Disability	None
Dependants	None

Section 2 – Screening Questions

In making a decision as to carry out an Equality Impact Assessment (EQIA), the Council should consider its answers to the questions 1- 3 detailed below.

If the Council's conclusion is **none** in respect of all of the Section 75 equality of opportunity categories, then the Council may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity, the Council should give details of the reasons for the decision taken.

If the Council's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the Council's conclusion is **minor** in respect of one or more of the Section 75 equality categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity.

In favour of a 'major' impact

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity.

In favour of none

a) The policy has no relevance to equality of opportunity.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity for people within the equality categories.

Screening questions

The overall impact of the Fleet Safety Policy is to ensure there is an operational management system in place for Mid Ulster District Council to advocate an integration of safe vehicles, safe driving behaviours, and safe management practices.

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories (minor/ major/ none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	N/A	None

Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependants	None	None

2. Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories? (Yes/ No)		
Section 75 category	If **Yes,** provide details	If **No,** provide reasons
Religious belief	No	Policy is not relevant
Political opinion	No	Policy is not relevant
Racial group	No	Policy is not relevant

Age	No	Policy is not relevant
Marital status	No	Policy is not relevant
Sexual orientation	No	Policy is not relevant
Men and women generally	No	Policy is not relevant
Disability	No	Policy is not relevant
Dependants	No	Policy is not relevant

3. Are there opportunities without prejudice, to the equality of opportunity duty, to better promote good relations between Section 75 equality categories, through tackling prejudice and/ or promoting understanding? (Yes/ No)		
N/A	No	**No**
	Yes	
If yes, please detail the opportunities below:		

If yes is concluded to Question 3, then the policy will be referred to the Council's Good Relations Working Group for consideration. The Group will consider the potential opportunities and assess if and how the overall impact of a decision/policy can better promote good relations.

Additional Considerations - Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority*

ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.
N/A

Section 3 – Screening Decision

In light of answers provided to the questions within Section 3 select one of the following with regards the policy:

		Select One
1	Shall not be subject to an EQIA - *with no mitigating measures required*	********
2	Shall not be subject to an EQIA - *mitigating measures/ alternative policies introduced*	
3	Shall be subject to an EQIA	

If 1 or 2 above (i.e. not to be subject to an EQIA) please provide details of reasons why.
The policy has no relevance to equality of opportunity.

If 2 above (i.e. not to subject to an EQIA) in what ways can adverse impacts attaching to the policy be mitigated or an alternative policy be introduced.

If 3 above (i.e. shall be subject to an EQIA), please provide details of the reasons.

Mitigation

When it is concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity?
The Policy has no impact on the groups affected.

Timetabling and prioritising

If the policy has been screened in for equality impact assessment, please answer the below to determine its priority for timetabling the equality impact assessment.

- **On a scale of 1-3 (1 being lowest priority and 3 being highest), assess the policy in terms of its priority for equality impact assessment**.

Priority criterion	Rating (1-3)
Effect on equality of opportunity	1
Social need	1
Effect on people's daily lives	1
Relevance to a Council's functions	1

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the Council in timetabling. Details of the Council's Equality Impact Assessment Timetable should be included in the Screening Reports.

- **Is the policy affected by timetables established by other relevant public authorities?**

Yes	
No	No

Section 5 – Monitoring

Effective monitoring will help identify any future adverse impact arising from the policy which may lead the Council to conduct an equality impact assessment, as well as help with future planning and policy development. Please detail proposed monitoring arrangements below:

The policy will be reviewed within 24 months from the effective date.

Section 6 – Approval and authorisation

Screened by:	Position/ Job Title	Date
Sarah O'Neill	Transport Manager	19/06/18
Approved by:	**Position/ Job Title**	**Date**

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy; made easily accessible on the council website as soon as possible following completion and be available on request.

Policy Scoping
- Policy
- Available data

Screening Questions
- Apply screening questions
- Consider multiple identities

Screening Decision
None/Minor/Major

'None'
Screened out

'Minor'
Screened out with mitigation

'Major'
Screened in for EQIA

Publish Template for information

Mitigate

Publish Template

Concerns raised with evidence re:screening

Re-consider screening

Publish Template

EQIA

Concerns raised with evidence

Monitor
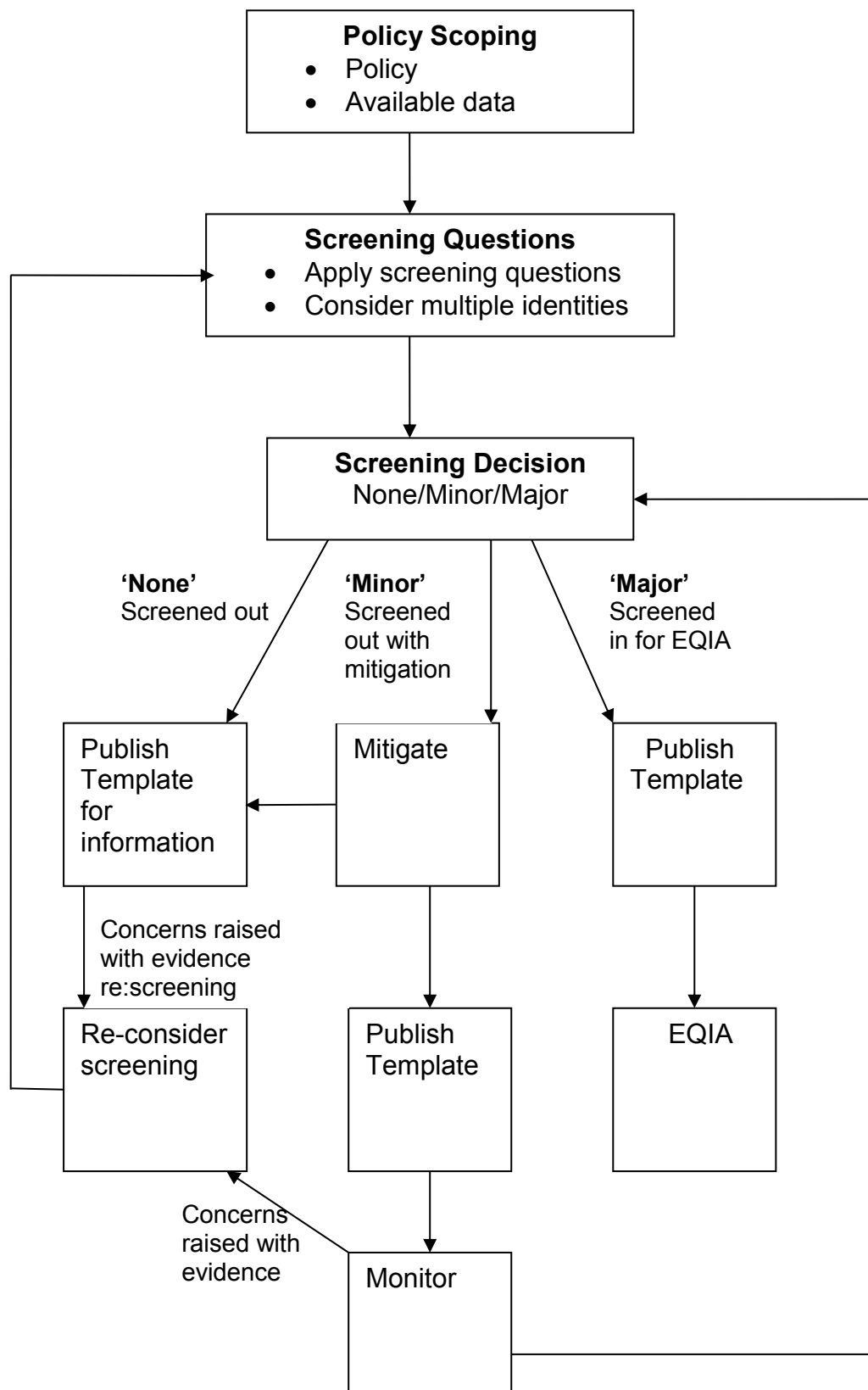
Rural Needs Impact Assessment Template

Step 1: **Define the Issue**

Key questions to consider:

- *What are the objectives of the strategy, policy plan or service?*
- *What impact do you intend it to have in rural areas?*
- *How is 'rural' defined for the purposes of this policy/strategy/service/plan?*
- *What would constitute a fair rural outcome in this case?*

The objectives of the Fleet Safety Policy are as follows:

- To promote and demonstrate Mid Ulster District Council's commitment in ensuring the Council and its employees at all times:
  1) Comply with relevant Road Traffic, Road Vehicle, Operators Licencing and Health and Safety legislation
  2) Assess the risks arising from the use of vehicles, plant, equipment and machinery on MUDC business
  3) Put in place measures to mitigate those risks.
  4) Adhere to applicable HR policies

- To increase awareness and understanding among staff of safe driving practices.
- To develop staff driving behaviours that are conducive to road safety.
- To obtain commitment from all staff to use vehicles safely.
- To maximise the acceptance that all vehicle users are expected to have a personal responsibility to drive and operate vehicles, machinery, equipment and plant with due care and attention; and to co-operate in adhering to the Fleet Safety Policy
- To prevent employees who use vehicles, plant, equipment and machinery on MUDC business and all others who are affected by our actions, from suffering accidents, injuries or ill health whilst at work, so far as reasonably practicable.

The impact of the Fleet Safety Policy will have no impact in rural areas.

As per Council's/DEATA's definition, rural is defined as settlement of less than 5,000 people.

Step 2:   Understand the situation

Key questions to consider

What is the current situation in rural areas?
*   What evidence (statistics, data, research, stakeholder advice) do you have*
*   about the position in rural areas?*
If the relevant evidence is not available, can this be sourced?
*   Do you have access to the views of rural stakeholders about the likely impact*
*   of the policy?*
*   Are there existing design features or mitigations already in place to take*
*   account of rural needs?*

This policy will have no impact on rural stakeholders.

Step 3:   Develop and appraise options

Key questions to consider

Are there barriers to delivery in rural areas?
If so, how can these be overcome or mitigated?
Will it cost more to deliver in rural areas?
What steps can be taken to achieve fair rural outcomes?

Not Applicable

Step 4:   Prepare for Delivery

Key questions to consider

Do the necessary delivery mechanisms exist in rural areas?
Have you considered alternative delivery mechanisms?
What action has been taken to ensure fair rural outcomes?
Is there flexibility for local delivery bodies to find local solutions?
Are different solutions required in different areas?

Not Applicable

Step 5:   Implementation & Monitoring

Key questions to consider

Have you set any rural specific indicators or targets to monitor?
How will the outcomes be measured in rural areas?
Are there any statistics or data that you will collect to monitor rural needs and impacts?

Not Applicable

Step 6: **Evaluation & Review**

Key questions to consider

What processes are in place to evaluate and review the implementation of the policy, strategy, plan or service?

Have rural needs been factored into the evaluation process?

How will lessons learned in relation to rural outcomes be used to inform future policy making and delivery?

This policy will be reviewed in 24 months from adoption.

Each review will assess any evidence and potential amendments against rural needs in line with legislation.

Rural Needs Impact Assessment undertaken by	Sarah O'Neill
Position:	Fleet Manager
Signature:	S O'Neill
Date completed:	19/05/2018

Rural Needs Impact Assessment approved by:	
Position:	
Signature:	
Date approved:	

Report on	Response to NILGA Report – Devolution in Northern Ireland
Date of Meeting	Thursday 6 September 2018
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	A Tohill, Chief Executive

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	**Purpose of Report**
1.1	The Northern Ireland Local Government Association (NILGA) has circulated a report to all councils entitled *Devolution within Northern Ireland* seeking commentary on its contents, general proposals and direction. The purpose of this paper is to consider a draft response to the report.
2.0	**Background**
2.1	The NILGA report examines information and evidence for an extension of responsibilities of local government in Northern Ireland. The basis of this would be a devolution of further responsibilities from Stormont/the NI Assembly. The report has been compiled in the context of: • a drive towards greater power for cities and regions across other parts of the UK • proposed augmentation review as specified in the Local Govt. (NI) Act 2014 • EU withdrawal • Absence at the time of writing of a devolved legislative Assembly in Stormont
2.2	Correspondence from the Chief Executive of NILGA and the Report, as referenced above, are attached as Appendix A to this paper.
3.0	**Main Report**
3.1	The NILGA Report at appendix A is set out under a series of sections and provides a review and analysis of the areas of public spending in Northern Ireland. It also considers the case/arguments for a greater devolution of responsibilities to councils. Local councils accounted for under 4% of public spending throughout the 2015-16 period, compared with 27% in Scotland and Wales.
3.2	The high level basic arguments presented within the report for greater devolution to councils include: • Services can be better-designed when local knowledge is brought to bear • Services can be joined up more effectively at a local level • Services are better if decisions about them are made at the local level • Services designed locally offer more scope for innovation and diversity

3.3	The arguments have been examined in turn within the report with analysis given over to what the report refers to as the 'neighbourhood services' which could be considered for further devolution from the central to the local.
3.4	Neighbourhood services has been used a term to bring together and describe up to 70 functions undertaken at a local government level by English councils of different types and levels (i.e. unitary councils, county councils and district councils). For the purpose of analysis within the report the areas within Neighbourhood Services includes (i) highways and transport; (ii) cultural services; (iii) environmental and regulatory services; (iv) planning and development.
3.5	A draft response included at appendix B to this paper.
4.0	**Other Considerations**
4.1	**Financial, Human Resources & Risk Implications**
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	**Screening & Impact Assessments**
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	**Recommendation(s)**
5.1	That the committee considers and approves the draft response to the NILGA report on Devolution within Northern Ireland.
6.0	**Documents Attached & References**
	Appendix A: Correspondence and Report on Devolution within Northern Ireland Appendix B: Draft response

nilga
northern ireland
local government association

the voice of local government

Mr Anthony Tohill
Chief Executive
Mid Ulster District Council

31st July 2018

Dear Members and Officers,

Devolution within Northern Ireland
NILGA consultation for member councils, 31st July – 30th September 2018

"The need for positive change is inescapable and …. the 11 councils (are) critical to it. Without the material, corporate and voluble involvement of the many partners which (NILGA) has garnered in recent years, the opportunity will be lost. That would be a great shame for the communities and the economy of Northern Ireland, as well as the institutions which govern and serve them."

Peter Kenway, Founder and Director, New Policy Institute (NPI), June 2018

NILGA, the Northern Ireland Local Government Association, has commissioned and published the "Devolution within Northern Ireland" Report, attached, as completed by the New Policy Institute.

This evidence-based Report, drawing on direct communication with all strands of government and wider society, together with policy & data benchmarking across all neighbouring jurisdictions, is provided to Council for corporate comment.

It follows on from NILGA's Programme for *Local* Government, developed in 2016, widely supported, with the commitment that before 2020, NILGA would, in conjunction with councils, develop an evidence base with costs to build business cases to transfer a suite of powers and functions from central government, as determined by the current Local Government Act (NI).

Much has happened since then, including:

- Development of an outcomes-based Programme for Government, which although not formally published, is being implemented to some degree;
- Assembly impasse, causing serious delays to regional decision-making, legislative passage and financial decisions, and difficulties for effective central-local working;
- Bedding in of the new council powers and functions, evidenced in the publication of a suite of ambitious community plans, council investment and economic strategies, early stage work on local development plans;
- Regeneration activity where possible, in conjunction with government partners, as this power was not devolved;
- Evidence of growing willingness to participate in collaborative activity to deliver services on a shared basis – e.g. some planning activities, car parking, animal welfare, legal services.
- Evidence of growing willingness to participate in central-local regional partnership activity to deliver strategic priorities e.g. waste management;

- Development of a coherent and consistent approach in relation to elected member development, including council Elected Member Development Charter activity, and the NILGA regional elected member development programme;
- Global, European, national and regional changes institutionally affecting the resources and planning of council services, from Brexit to City Deals.

However, what we do - the public service delivery, representative, investment, social cohesion and forward planning roles of all local authorities - continues, in large part successfully, constrained in the main only by resources and the wider impasses above mentioned.

The purpose of this consultation is twofold:

- To inform existing and future legislative and resource actions to *enhance the role of Councils* in Northern Ireland;
- To take actions with partners in government and more widely to strengthen the *sustainability and value of local government in Northern Ireland*.

NILGA considers the corporate views of Mid Ulster District Council to be essential in the delivery of an ambitious yet practical step forward for local government in Northern Ireland. Councils work - their portfolio, performance and sphere of influence - have never been so necessary for and under scrutiny by our residents, businesses, visitors and partners.

We ask that you respond corporately as a council to a consultation which has been designed to enable follow up, individually and collectively, with both existing councils and those that will emerge after 2nd May 2019. At this stage, NILGA would greatly appreciate:

(a) Your comments on the NPI Report overall;
(b) Your comments regarding the *potential for local government in NI*, as per Report pages 6 & 7;
(c) Your comments regarding *devolving neighbourhood services to councils in NI*, as per Report pages 13 & 14;
(d) Your comments regarding *the 6 Recommendations*, as per Conclusion and Practical Next Steps, Report pages 17 & 18
(e) Your response to the Illustrative Timeline, also provided.

As a member led body, NILGA is diligently seeking your council's corporate views, preferably before Friday 28th September 2018. Work and engagement will follow in late 2018 with parties, partners and government. Subsequently, in the first quarter of 2019, we will reconvene with all councils, individually and collectively, in terms of a Regional Policy Framework which will be a vital tool for the new councils beyond May 2019.

This consultation and the response you provide to it will deliver not just the two elements listed above, but will, also, *link opportunity with policy* at a time when we require both as a sector, leading to a *Programme for Local Government* for the electoral period 2019 – 2023.

Thank you in appreciation of your response. If at any time you seek further clarity on the initiative, please do not hesitate to contact the Association directly, using the contact details appended.

Yours sincerely,

Derek McCallan
NILGA Chief Executive

2

Devolution within Northern Ireland

A report for the Northern Ireland Local Government Association

June 2018

Peter Kenway and Issy Petrie

Contents

2

Executive Summary

This report examines evidence for an extension of the responsibilities of local government in Northern Ireland (NI) through devolution from Stormont. Its context is a drive towards greater power for cities and regions across the UK, the absence of a functioning Assembly, the proposed Augmentation Review as specified in the NI Local Government Act (2014) and the EU (Withdrawal) Bill. 'Devolution' includes the transfer to councils of direct responsibility for services and the scrutiny by councils of matters which remain the direct responsibility of NI Executive or its agencies.

The main findings are:

- Councils were responsible for under four per cent (£738m) of public spending in NI in 2015/16, compared with 27 per cent in Scotland and Wales. The NI Executive's 88 per cent share of total public spending was more than double that of the Scottish and Welsh Governments.

- Neighbourhood services are the main candidates for devolution of direct responsibility to councils. They cover highways and transport, cultural and related services, environment and regulation and planning and development. At present, councils are responsible for under half of them. If they took them all, they would be responsible for six to seven per cent of total NI public spending.

- A review of the arguments for devolution in England shows that what is key is local deliberation and decision-making about problems, priorities and solutions. Councils contain this local wisdom, but its source lies in the local community, including voluntary, third sector and business groups.

- Councils could also exercise scrutiny over areas of spending, for example aspects of social care and public health, which remain the responsibility of the Executive or its agencies. Scotland's Local Governance Review is a model which could be adopted to examine this approach in NI.

- To play this role, councils must be focused on outcomes and be willing to act as enablers as well as doers. What the councils bring which the agencies cannot is democratic legitimacy and the possibility of public engagement in the reform and delivery of services.

Whilst the lead must rest with NILGA and the councils, devolution within NI also requires initiatives by the Secretary of State, MLAs, the NI Executive and even the NI Affairs Committee (NIAC) in Westminster. As they wrestle with public service reform, NI agencies should consider what full involvement by and through councils could offer. Community, voluntary and business groups need to be engaged in identifying the different, better outcomes they want from public service provision in NI.

Introduction and focus

The purpose of this report is to consider evidence for an extension of the responsibilities of local government in Northern Ireland through greater devolution from Stormont. It has been written by the New Policy Institute (NPI), an independent think tank which carries out research across the United Kingdom. Over the last three years, this has included three devolution-driven studies for the Association of Public Service Excellence (APSE) on local government services.

The wider context for this report includes: a policy drive, both national and international, towards greater power for cities and regions, allied to localist, subsidiarity and place shaping policy momentum; the absence at the time of writing of a devolved legislative assembly in Stormont; and the EU (Withdrawal) Bill and the consequent transfer of legislative and regulatory responsibilities from the EU to the UK, devolved and local levels.

Public spending in Northern Ireland

In this section, we use HM Treasury data for 2015/16 to paint a picture of how much public money is spent in NI by whom (local government, devolved government or the UK government directly), on what and how this compares with Wales and Scotland. A separate annex has been made available from the Association of Irish Local Government in the Republic of Ireland, to highlight an additional key benchmark.

Spending at the local, devolved and UK government levels

In 2015/16, total public expenditure in NI by all levels of government combined totalled £20.3 billion. £19.0 billion of this counted as current expenditure and £1.3 billion as capital expenditure. Figure 1 compares NI with Wales and Scotland to show how responsibility for total public spending was split between the local, devolved and UK governments. There are two stand-out points for NI. The first is how low local government's share of this total is under four per cent (£738 million), compared with 27 per cent for each of the other two countries. This is after the Review of Public Administration which saw councils given new powers in April 2015. The second is how low the UK government's share is: nine per cent compared with 34 and 42 per cent in Scotland and Wales.

This second point is easily explained: spending on social security benefits (other than housing benefit) is retained at the UK level by the Department for Work and Pensions for Wales and Scotland but is devolved to the NI Executive (NIE). This was worth £5.8 billion in NI in 2015/16, 29 per cent of total public spending. If this were retained at the UK level instead of being devolved, the UK share of total public

4

spending in NI would (at 38 per cent) lie midway between the percentages for Wales and Scotland.

Figure 1: share of current and capital public expenditure on services, 2015/16: Northern Ireland, Scotland, Wales[1]
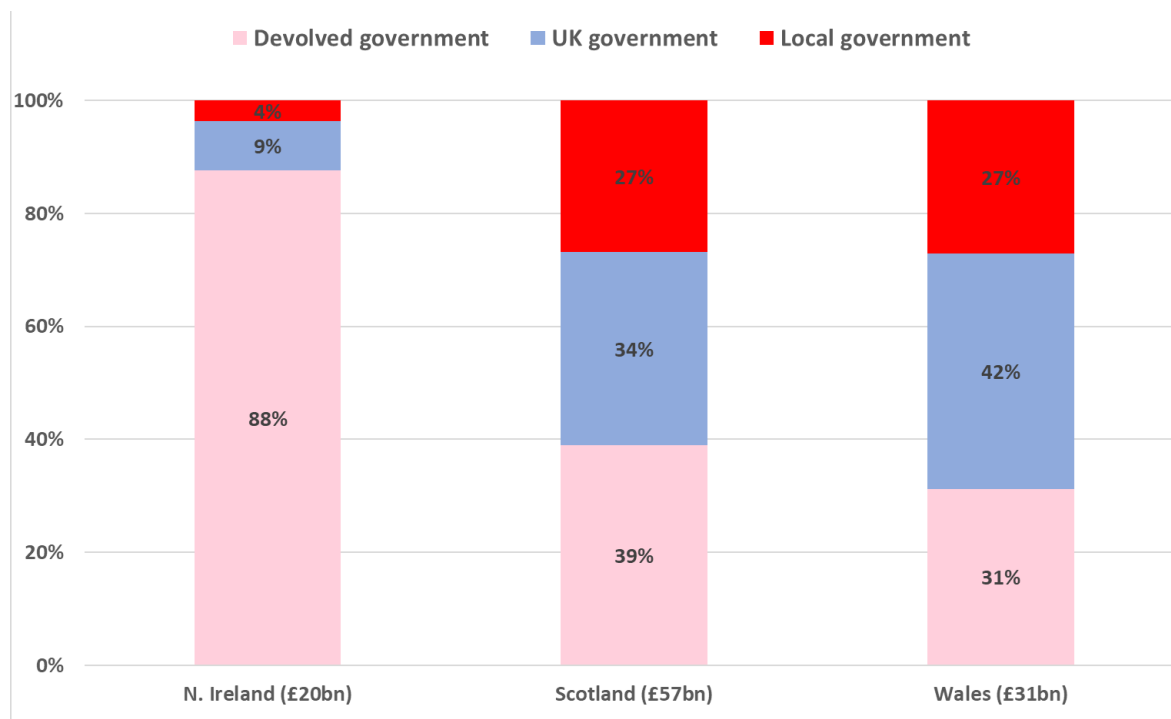
With this adjustment, there is no further need to look at spending at the UK level. All other spending by local and devolved government in NI totalled £12.8 billion in 2015/16. Of this, local government's £738 million represented six per cent. The comparable figure for local government in Wales and Scotland was 43 per cent. This gap supports the point made by Garry and Pow to the Northern Ireland Affairs Committee of the House of Commons (NIAC) that NI has been suffering from a democratic deficit since long before the suspension of the Assembly.

Figure 2 shows how this £12.8bn was spread across the different functions. As can be seen, local government spending was restricted to just five of the ten, namely: environment protection; recreation, culture and religion; housing and community amenities; economic affairs; health. Local government only accounted for a majority of the spending on the first two. On the last two its share was negligible.

Figure 2 also shows the proportion of spending on each function carried out by local government in Wales and Scotland. Comparing this with the proportion for local government in NI shows that the bulk of the difference arises from education,

---

[1]   Source: HM Treasury, *Public Expenditure Statistical Analysis, 2017*, table 9.21. Percentages don't always add to 100 because of rounding.

personal social services and the administration of housing benefit. There is also a smaller shortfall with economic affairs, housing and community amenities, general public services and public order and safety.

Figure 2: public expenditure, Northern Ireland 2015/16, by function
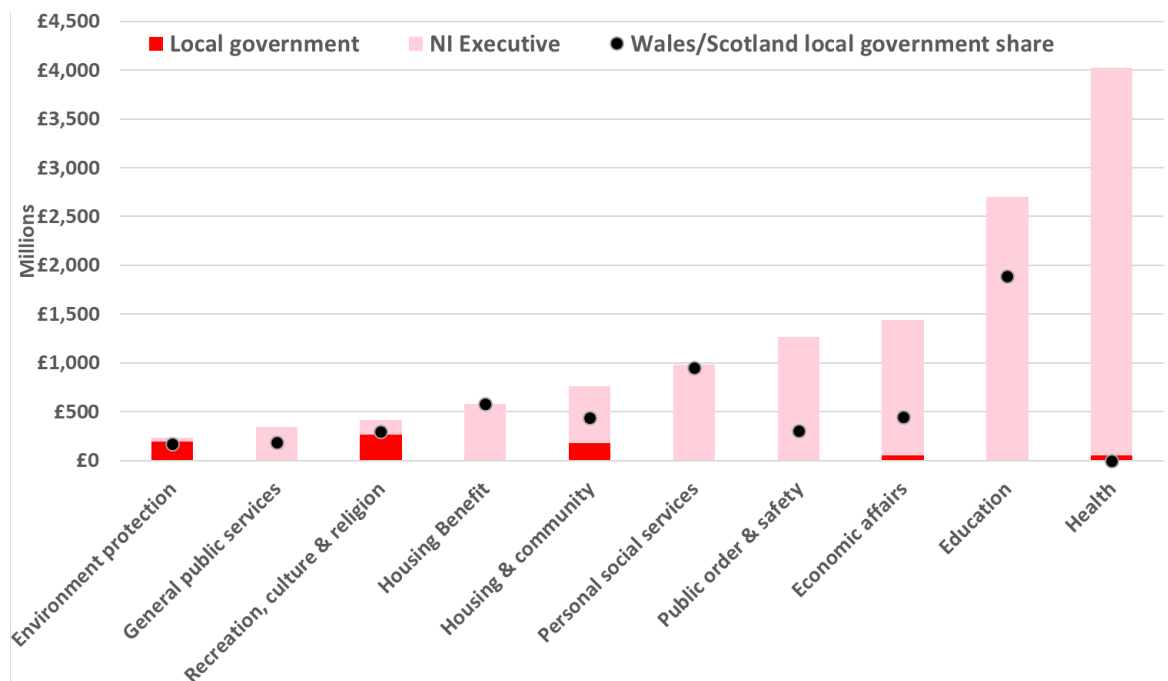
What is the potential for local government in Northern Ireland?

We have heard little whilst researching this paper to suggest that an appetite exists for local government in NI to take on responsibility for the administration of housing benefit, personal social services (social care), public order and safety or education. As these functions account for the bulk of the gap between NI and Wales and Scotland, a large gap is bound to persist. But for those functions where NI local government already has some responsibility, what happens in Wales and Scotland is a guide to what is possible. In short, it is economic affairs, housing and community amenities and the catch-all of general public services, where the main potential lies.

If local government spending for these three functions (and recreation, culture, and religion) took the same share as in Wales and Scotland, total spending by NI councils would rise by about £0.7 billion to around £1.4 billion (including current levels of spending on environmental protection and health). That total represents 11 per cent of spending by local government and the NIE combined or seven per cent of total public expenditure in NI including what is spent by the UK government directly.

These numbers show the potential for a second (numerically modest) step in terms of devolution but they are not in themselves an argument for it. Given the attention which the four per cent figure 1 has received since NILGA included it in in its

6

evidence to the NIAC, this seven per cent figure is a useful counterpoint. What it is saying is that there is considerable potential for devolution within NI that will still leave NI far away from the norm in Wales and Scotland.

Arguments for devolution

In this section, we consider various arguments for devolution to local government that have been advanced in England.

Arguments for devolution are neither wholly portable – i.e. general ones which apply whatever the circumstances – nor wholly context-specific – i.e. NI is so different that arguments in favour of devolution, run-of-the-mill elsewhere, can have no relevance whatsoever. When thinking about such arguments for NI caution is therefore both normal and proper.

Devolution cannot be unconditional. Devolution deals in England (mainly so far to the Cities) may have started to reverse some of the problems of over-centralisation. Yet they have come into being during a period of austerity in which the poorest areas have usually seen the biggest cut in resources. In a country as unequal as England, enduring resource re-allocation from the centre is simply unavoidable. A report for APSE, calling for 'real' devolution deals which reduce but do not eradicate centralism, is an expression of this unavoidably awkward viewpoint.[2]

There is also a need to be cautious about claims for devolution which extend beyond better public services themselves to include wider benefits for local business and the economy. As a part of the public sector which is driven by local needs and gets things done, local government shares an outlook with business which favours devolution. But business and local government face different risks and rewards. Businesses, as well as some not-for-profit organisations, are in competition with one-another. If a competitor's proximity to local government is thought to give them an unfair advantage, it may seem better that decisions should remain with a more remote but dis-interested devolved body.

Why devolution: four arguments from the English debate

In reviewing the arguments for devolution to local authorities in England, four basic arguments can be identified which carry over to NI. They are:

- Services can be better-designed when local knowledge is brought to bear.

---

[2]   *The Real Deal: Pushing the parameters of devolution deals*, published by CLES and the Sheffield Political Economy Research Institute, 2016

- Services can be joined up more effectively at a local level.

- Services are better if decisions about them are made at the local level.

- Services designed locally offer more scope for innovation and diversity.

On the face of it, the idea that many services are better delivered when local knowledge is brought to bear seems common sense. But it raises the question of what kind of knowledge it is that can only be "local". After all, when Google knows the whereabouts of traffic jams in real time, it can't be the same answer as would have been given just a few years ago.

A report (by Policy Exchange) entitled *Smart Devolution* asserts that there is now a vast amount of under-utilised data which could improve decision making (including spending decisions) to inform public service reform, transport planning, supporting small business growth and better targeting frontline services. This may well be so, but held electronically, such "big data" cannot just be a local resource and therefore cannot be a reason for devolution. If "local" knowledge is to be a reason for devolution, it must be knowledge of a subtler kind, somehow less-systematic, probably part of the wisdom that goes into decision-making. Community Planning in NI can be harnessed fully in this vein.

The second argument for devolution is that by attributing primacy to the local area, services can be joined and made consistent in a way that is not possible at the regional or country-wide level. This argument has been made in a report by the Institute for Public Policy Research (IPPR) for English counties – the upper of the two local government tiers in rural areas – with a special emphasis on health and social care in rural areas. Common boundaries, so it is said, present an opportunity for public service reform and for delivering more efficient and better value for money services. A similar argument is also made in the economic sphere, in favour of taking control at the local level of employment, skills, and business support.

As with the argument for "local" knowledge, the challenge here is to be clear why "joining-up" is an argument for devolution. The degree of diversity across NI, with differences between local government districts being large compared with the differences within each one, is part of the answer. As a result, the right joined-up solution for one district is likely to be different from the right joined-up solution for another – a series of bespoke outcomes which a single, joined-up authority for NI would struggle to conceive and deliver. NILGA argues that "service homogeneity" is not desirable but that "service consistency" – core performance challenges tailored to local communities, rural, metropolitan and in between – is desirable.

Yet like the local knowledge argument, the advance of big data which increases a remote agency's capacity to grasp local specifics means that this argument too has

less force than it did. Since this conclusion applies to any technocratic argument, the case for devolution must be based on further grounds.

While repeating the hoped-for gain from more joined-up working, the Review of Public Administration in NI identified a different reason for devolution, namely, that common boundaries make services easier for the public to understand. Why does public recognition matter? Because to be successful, devolution is not just about economic growth and integrating services, but also about enhancing democratic involvement and accountability. In *Democracy: the missing link in the devolution debate*, the New Economics Foundation laments the absence of community engagement and the failure of devolution deals in England so far to strengthen democracy, increase citizen involvement and democratise local decision-making.

This viewpoint finds an echo in the [submission](link) from the Northern Ireland Council on Voluntary Action (NICVA) to the NIAC enquiry into the democratic deficit. Against the backdrop of the continued suspension of Stormont and the possibility of direct rule, NICVA argues that "consideration should also be given to formalizing the role of social partners and the role of a citizens' assembly or civic forum mechanism". While this call is directed to the level of NI, it rests on the belief that there is a civic wisdom which should be brought to bear. The same argument can be advanced for the voice and involvement of local businesses. NILGA has for many years voiced the view that councils are best placed to unlock this civic wisdom, now backed up by strategic partners such as Stratagem (NI) in partnership with the Carnegie Trust (UK) in terms of Community Planning and Wellbeing.

NICVA also calls for a greater role for local councils: "Consideration should be given", it says, "to how policies and legislation can be progressed at council level, looking along the lines of the Programme for Government outcomes and whether these can be delivered at more local level". There are two points here. One is that councils themselves are containing this civic wisdom, rather than being part of a remote central state. The other is that if they are to play this role to the full, they in turn must be open to local citizens. This is only possible if there is public recognition of, and identification with, the council based on the district it serves.

This 'civic wisdom' is not just local knowledge. Citizens' assemblies, civic forums and indeed council meetings are not primarily places where people bring facts. Rather they are places where they deliberate – and in the case of councils, decide – what to do about them. In short, the third argument for devolution boils down to a belief in the superiority of local decision-making.

The fourth argument takes this social case for devolution several steps further. Eleven local authorities create opportunities for autonomy, innovation and diverse leadership in ways which are simply not possible if services are planned and

9

delivered by NI-wide agencies. Even if a data-rich central authority can provide services in different ways in different areas, those bespoke solutions would first have to be found.

It is not just about solutions: devolution also allows councils to identify problems and designate them as priorities. What looks like a priority at the local level may not look like one, if it is visible at all, at the NI level. Regeneration powers, still held centrally, restrict NI councils to identifying capital investment proposals within narrow geographical boundaries. Elsewhere in the UK, where these powers are devolved, this restriction does not apply. For example, disused canals and pathways within and beyond the principal boundary can be linked together in a common-sense way, benefiting local wellbeing, tourism and the economy.

Neighbourhood services and local government

In this section, we look at what have been called "neighbourhood services" – a broad grouping of some 70 individual local government functions – to explore the potential for devolution within NI in more detail. The comparisons in this section are with English local government. In the first place, that is just because the data is English. But because England has (at least) six different types of local authority each with its own mix of powers, the devolution question in NI can be seen in English terms as being about the type of local authority that NI councils could aim to be.

Neighbourhood services

Sometimes referred to as public realm or liveability services, neighbourhood services are one of the core functions of local government in England, Wales and Scotland.[3] The term, chosen after consultation during research for APSE, covers four groups of services, namely:

- highways and transport
- cultural services
- environmental and regulatory services
- planning and development.

The reason for the single term "neighbourhood services" is to give an identity, and therefore a collective weight, to the services provided by local government which don't come under the high priority headings of education or social care. As a share of

---

[3] For a fuller discussion, see Kenway and Barker, 2017, *Redefining neighbourhoods: A future beyond austerity? http://www.npi.org.uk/publications/local-government/redefining-neighbourhoods-future-beyond-austerity/*

all local government spending in 2015/16, neighbourhood services accounted for between 15 per cent (Wales) and 19 per cent (England). In the classification used in England, some 70 individual services come under this heading. Most of them, once they are named, speak for themselves. Mundane rather than glamorous, most are also essential to maintaining the quality of everyday life. Appendix 1 provides a list. Appendix 2, which shows powers of councils in the Republic of Ireland, offers a comparison.

Responsibility for neighbourhood services in Northern Ireland

In NI, many of these functions are either the responsibility of the Executive and its agencies or shared between the Executive and councils. Of the 70 individual neighbourhood services, 16 are identified as being the responsibility of NI councils, 29 are the responsibility of the Executive and its agencies while 19 are shared between the councils and the Executive. The allocation of the other six is unclear. As a set of responsibilities currently administered by English local authorities, they appear to be a block of services that could be devolved to NI councils.

Figure 3 uses English local authority spending data on neighbourhood services to give a sense of the scale of devolution that this might imply. To do this, English local authority proxies have been selected for each of the 11 NI councils according to criteria measuring: i) the degree of rurality; ii) the share of working-age people in the total local population; iii) Gross Value Added per head (a measure of economic output); and iv) the employment rates. Using 2016/17 spending data for the 11 proxies, individual neighbourhood services were then categorised according to where current responsibility for them in NI is assessed as lying.

Overall, 40 per cent of what these English local authorities spend on neighbourhood services is the responsibility of councils in NI, with a further 22 per cent being the shared responsibility of the councils and the NIE. This differs greatly according to type of neighbourhood spending. Councils have a large share of spending relating to environmental services and regulation (82 per cent). By contrast, highways and transport is largely the domain of the NI Roads Service (95 per cent). Although councils are solely responsible for around a quarter of spending (27 per cent), there appears to be no category of spending on planning and development which is wholly the responsibility of the NIE.

Figure 3: spending on neighbourhood services in 11 English proxy local authorities, classified according to responsibility in Northern Ireland[4]
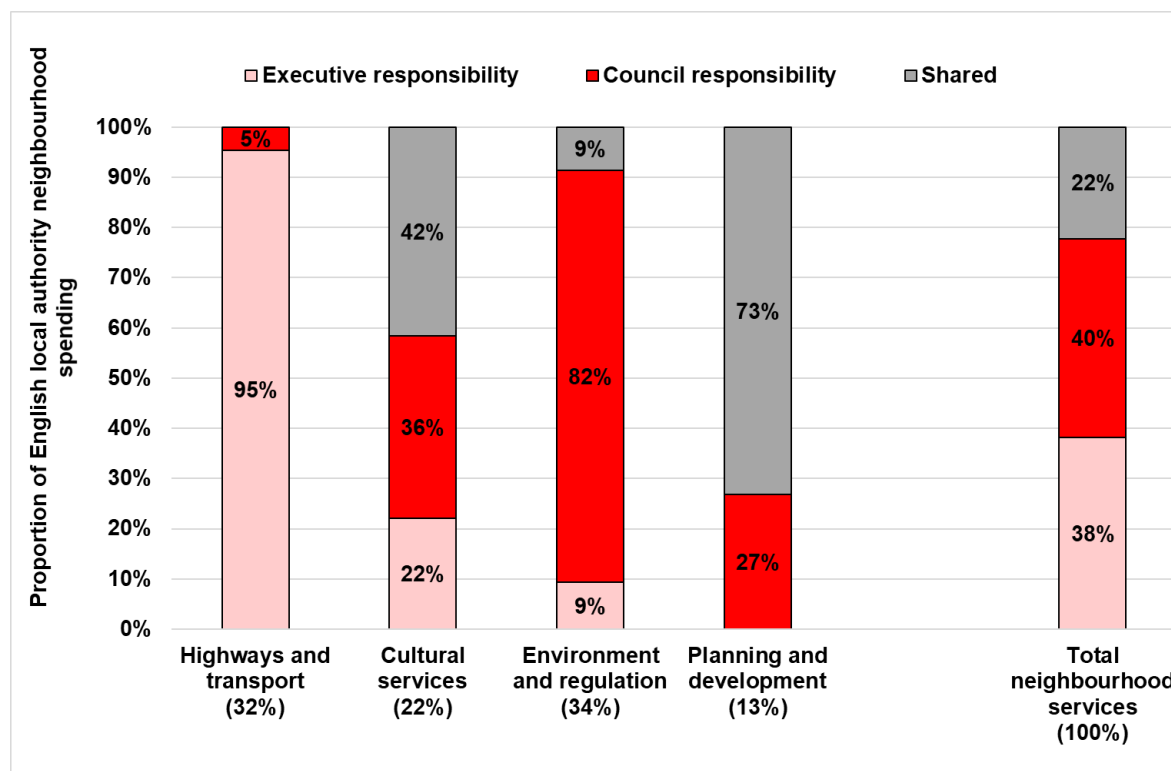
How far could devolution of neighbourhood services go?

At first sight, it looks like full devolution would mean councils becoming responsible for something like double their current spending on neighbourhood services (equal to 40 per cent of the total plus a share of the 22 per cent). Yet few, if any, English local authorities have sole responsibility for all these services. Of the English councils used here as proxies, the one that provides the widest range of services is Liverpool (the proxy for Belfast). Yet Liverpool is not responsible for waste services (provided instead by a Waste Authority covering the wider Merseyside area). Hartlepool (the proxy for Derry and Strabane) delivers most services including waste, but it does not, for example, deliver business support (which instead is the responsibility of the recently created Tees Valley Combined Authority).[5]

Liverpool is a metropolitan borough while Hartlepool is a unitary. The other nine councils have been identified with English shire districts.[6] These districts are the lower level in an English two-tier system in which shire counties are the upper level.

---

[4]   Source: NPI and NILGA analysis of Local authority revenue expenditure and financing England, 2016/17.

[5]   Our spending totals include allocations of the spending by the Combined and Joint Authorities to both Liverpool and Hartlepool, based on their share of the relevant population.

[6]   Namely: Adur, Bassetlaw, Gedling, Mid Suffolk, South Holland, Stafford, Tendring, Weymouth and Portland, Wyre.

12

If the nine were responsible for all the neighbourhood services provided by English shire districts and if Belfast and Derry and Strabane had full responsibility in their areas, the eleven councils together would be responsible for around three quarters of total spending on neighbourhood services.

Identifying the other nine NI councils with English, lower-tier shire districts implicitly precludes the full devolution of neighbourhood services. This identification is not inevitable. Within neighbourhood services, it is mainly highways and transportation services that are at stake. That is, it is the upper tier, county councils which are responsible for almost all of them in the English two-tier areas.

Based on the size of the population, five councils could be unitary authorities (like Hartlepool or in effect Liverpool) and be responsible for all, not just lower-tier, neighbourhood services. The argument for five is that three councils – Armagh, Banbridge and Craigavon, Newry, Mourne and Down and Ards and North Down – are all larger than Derry and Strabane. The council in the English borough of Bedford, which converted from district to unitary status in 2009, has a population about the same size as Newry, Mourne and Down. The five are also larger than every one of the 22 Welsh authorities, all of which are unitary. Since the smallest NI council (Fermanagh and Tyrone) is larger than seven of the 22 Welsh authorities, the example of Wales shows that there is no argument based on size alone against all the 11 NI councils being unitary. If some NI councils are still judged to be too small to take on full responsibilities for neighbourhood services, a second answer could involve some form of formal co-operation between two or more councils. A third answer could see responsibility for running the "upper-tier" neighbourhood services remaining with the NI Executive and its agencies, with councils acquiring a formal governance or oversight role.

Devolving neighbourhood services: observations from Northern Ireland

Before developing this last answer, we report some reactions from within NI to the idea of devolving powers to councils, in particular, neighbourhood services. These reactions reflect discussions we have been involved in with councillors, MLAs and council officers, as well as interviews with a senior figure in an NI Agency and each of the business, community and charity sectors.

In general – but with one important exception – the idea that NI councils should be responsible for neighbourhood services has been met with support. Arguments for it include: the inefficiency of detailed matters like on-street parking requiring the attention of ministers or senior civil servants; the unresponsiveness, including to councillors, of a centrally-run system; and the mis-match between the public's perception that councils are responsible for this sort of thing and the reality that they

13

are not. A further, allied point is that devolution of matters like these to councils would help free the Executive (and the Assembly) to concentrate on the strategic questions facing NI.

Elsewhere in the UK, regeneration is made easier by highways and transportation and planning sitting under the same roof. To that extent, arguments for NI councils to have the power to lead regeneration are also, in effect, arguments for the devolution of neighbourhood services too. Yet while we have heard forceful arguments for regeneration sitting with councils (the crucial thing being their ability to *drive* regeneration), we have also heard doubts. To the extent that these doubts arise within the community, they merit attention.

Even if the general argument for devolving neighbourhood services is judged to be strong, individual service areas can still be exceptions. One such is responsibility for flooding, where the area covered by an individual council is unlikely to bear much relation to any sensible geographical unit (for example, a river basin) for dealing with it. This does not rule out councils still playing a coordinating role (for example, Derry City and Strabane, Fermanagh and Omagh, and Mid Ulster who drew together fast response teams from across multiple agencies in the most recent winter).

What of the exception to the general support for devolving neighbourhood services? The point being made here was not that neighbourhood service should *not* be devolved – but rather that asking what *powers* should be devolved was the wrong question. Instead of focusing on powers and responsibilities, the focus instead should be on goals and *outcomes*. In our view, argument for devolution of neighbourhood services that include responsiveness and conformity with what the public believes councils do are themselves arguments about outcomes. So too are arguments about the greater effectiveness and efficiency of NI government were most neighbourhood services to be devolved. In short, if the case for neighbourhood services is not undermined by a focus on outcomes, it is because it can answer in those terms.

The challenge to local government to concentrate on outcomes need not be restricted to those functions for which it has, or wants, direct responsibility. As one interviewee put it: this is about how local government sees itself, whether as a doer or also as an enabler. Even if NI councils were to take on neighbourhood services in their entirety, it would still leave them with just six or seven per cent of total NI public spending. Though that would be a big step for the councils, it would still leave the bulk of public spending in NI in the hands of the NIE and its agencies. If councils want to increase their role, focusing on the outcomes in some of these many other areas of public spending is a way to do it.

Other services and local governance

The choice, then, is not just between devolving, or not devolving, executive responsibility to NI councils. Instead, alongside devolving some responsibilities to councils, councils could also exercise powers of scrutiny and governance over areas of spending which remain the responsibility of the NIE or its agencies.

Scotland's Local Governance Review

Scotland's recently announced Local Governance Review may offer a model which could be adopted to examine this question in NI. Three principles make the Scottish review relevant here. First, it is not a review of local government but of all locally delivered public services. Second, recommendations will adhere to the principle of subsidiarity, that is, decisions taken at the right and lowest level possible. Third, there will be scope for variation, in other words, the answer in the Western Isles does not have to be the same as the answer in Glasgow.

The Review is running through 2018, with a first phase of consultation and engagement lasting until the summer. It is expected that the eventual conclusions will then inform a local democracy bill. As figure 1 confirms, Scotland is more centralised than Wales in terms of the spending share. While the reason for Scotland's relatively high centralisation are different from those in NI, arguments for greater devolution can expect to face resistance. Both the conclusions, not at all foregone, and the process itself are likely to be instructive.

Scrutiny and governance: observations from Northern Ireland

The potential for councils to play a scrutiny and governance role in relation to services which they are not themselves responsible for was also discussed during the research for this paper.

Free from responsibility for delivering the service, a body with the power of scrutiny must concentrate on outcomes. This is an advantage. It means that in preparing to exercise such a role, a council would have to form a view about how it wants a service delivered, with what objectives and according to what principles.

NICVA's call for scrutiny powers over the NIE suggests that there are significant issues here. One mentioned in the Macmillan submission to the Northern Ireland Affairs Committee concerns the extent to which patients with terminal cancer die in hospital as opposed to where most of them would prefer, namely at home, in a care home or in a hospice. Another subject mentioned to us was the prevention of diabetes, a public health issue to do with lifestyle rather than just something for the NHS to treat once diabetes is diagnosed.

In principle, each council's Community Plan provides a framework within which the scrutiny role could be exercised, for example, by challenging the statutory partners to the Community Plan over their contribution and impact. The Community Planning process has strong supporters and significant support. Yet comments have questioned how far statutory partners to the Plans and the statutory agencies more generally are genuinely open to scrutiny by local government. Procedures on paper open the possibility of scrutiny but the reality of it requires compliance.

Within the limits of this paper, we offer three observations. First, is a failure to treat local government seriously a sign of strength on the part of the NI Executive and its agencies or a sign of weakness? If service provision is at odds with what most people want or if public health crises remain unaddressed the more likely answer is the latter than the former.

Second, if it is weakness, isn't this an opportunity for local government? With few direct responsibilities, councils in NI have a freedom to pick and choose where to seek to assert themselves. As the only functioning element of formal democracy in NI, at the time of writing, they have a unique legitimacy.

Third, isn't the challenge here to make sure that councils really do speak for their communities and that this is evident both to those communities and to the agencies? This comes back to whether councils see themselves as enablers as well as doers. The trouble with appearing as just a doer is that it downplays the very thing that gives councils their edge, leaving them looking like just another agency.

We know that proposals for greater citizen involvement are viewed with suspicion by some politicians, both local and national. Yet an argument that says "devolve only unto us" is not persuasive. NI's local authorities now enjoy the advantage of size, being neither too large nor too small – though being relatively new, their identity is still being established. Living within the within the communities they serve, council officers and elected members are highly accessible, evidenced by councillors returning weekly activity reports showing 60-70 hours activity in many cases, and weekend engagements being the norm. As NILGA puts it, they (council personnel) don't "go" to work, they live in work. In this situation, advocating devolution at every level can only strengthen them. What should follow naturally is the other key tenets of arguments for greater devolution – better application of local knowledge, greater local efficiencies, better decision taking and greater innovation and diversity.

16

Conclusion and practical next steps

Devolution and the role of the Northern Ireland institutions

Our review of the arguments put forward for devolution concluded that what is decisive is local decision-making not just local knowledge. Local decision-making means that local judgements are being made about priorities and how to meet them. It fosters innovation. It is a prerequisite for co-operation between councils. It rests on a view of councils as bearers of a certain civic wisdom whose fount lies elsewhere, in the wider community which they represent. It is a view of councils that can only be expected to prevail when that openness and responsiveness to the wider community can be shown and not merely asserted.

But devolution is not independence. Devolution of authority to NI councils requires devolution of the financial means to allow them to exercise this authority. How much money to allocate and how the total sum is to be distributed between the councils is unavoidably a central decision. Since the reasonable demands on this money always outstrip what is available, this decision requires that judgements be made at the centre between competing, often incommensurate, claims. Decisions by the Welsh and Scottish governments have meant that the impact of austerity on local authorities in those countries has been different from its impact on local authorities in England. These decisions are political through and through. In the absence of political (Ministerial) decision taking, NILGA has re-convened an elected member forum, drawn from central-local government members of the statutory Political Partnership Panel, so that political scrutiny can take forward such work.

Decisions made in Belfast are an integral and enduring part of devolution to NI local government: not only do they provide the financial framework within which councils act, they are also fundamental to the acceptability of the devolution settlement. If the success of devolution depends ultimately on judgements at the local level, its legitimacy depends on judgements at the NI-wide level. It is hard to see how devolution to NI local government could flourish without the Assembly.

Practical next steps and who must take them

Making a reality of devolution within NI requires deliberation of a range of questions by a range of organisations. In identifying these questions, we assume that the lead rests with councils themselves, through NILGA, and with the NIE. But the organisations which need to be involved range much more widely, from community organisations in NI to MLAs and their political parties, and MPs.

1. *The Secretary of State, the Northern Ireland Executive and NILGA* should launch a Review of Local Governance, using all relevant avenues but

particularly the Central Local Elected Member Forum and the NIAC, based on the Scottish model and tailored to NI requirements. This should consider both the devolution of executive power to councils and the creation of scrutiny powers for councils over matters which remain the direct responsibility of the NI Assembly and the NI Executive or its agencies.

2. *NILGA and councils* should identify the executive powers over neighbourhood services they want, supported by a clear view of the different outcomes those powers can be expected to deliver to local communities. Community and business groups have a large part to play in forming this view.

3. *NILGA and councils* should identify a short list of subjects on matters for which NI agencies are responsible where local communities desire different outcomes from those delivered now. *NI agencies* should identify where local involvement, facilitated by councils, would help achieve different outcomes.

4. *The NI Assembly, NILGA and councils* should develop a process by which individual NI councils can apply and be considered for a status akin to Welsh and English "unitary" local authorities with the powers to match.

5. *MLAs, the NI Executive and NILGA* should consider the twin questions of the level of financial resources to make available for devolution to NI councils and how those resources should be distributed between councils (linked to the need to indemnify councils through appropriate "New Burdens" legislation).

6. The draft Programme for Government mechanisms should factor in successor activity, whether budgetary, strategic or governance activity, to foster greater executive and scrutiny roles for councils in the medium and long term.

Clearly (and in conclusion) this report can only serve to open a practical, tangible series of actions to create positive changes to the devolution picture in Northern Ireland. The need for positive change is inescapable, and NILGA as the representative and support body for the 11 councils is critical to it. Without the material, corporate and voluble involvement of the many partners which the Association has garnered in recent years, the opportunity will be lost. That would be a great shame for the communities and the economy of Northern Ireland, as well as the institutions which govern and serve them.

Appendix 1: current responsibility for neighbourhood services in Northern Ireland and English shires

Group	Service	NI	England
Highways and Transport	Highways maintenance planning, policy and strategy	NI-wide	County
	Public and other transport planning, policy and strategy	NI-wide	County
	Structural maintenance - principal roads	NI-wide	County
	Structural maintenance - other LA roads	NI-wide	County
	Structural maintenance - bridges	NI-wide	County
	Environmental, safety and routine maintenance - principal roads	NI-wide	County
	Environmental, safety and routine maintenance - other LA roads	NI-wide	County
	Winter service	NI-wide	County
	Street lighting (including energy costs)	NI-wide	County
	Bus lane enforcement	NI-wide	County
	Road safety education and safe routes	NI-wide	County
	Other traffic management	NI-wide	County
	On-street parking	NI-wide	County
	Off-street parking	Local	District
	Statutory concessionary fares	NI-wide	County
	Discretionary concessionary fares	NI-wide	County
	Support to operators - bus services	NI-wide	County
	Support to operators - rail services	NI-wide	County
	Support to operators - other	NI-wide	County
	Public transport co-ordination	NI-wide	County
	Airports, harbours and toll facilities	NI-wide	District
Cultural services	Archives	NI-wide	County
	Arts development and support	Both	District
	Heritage	Both	County
	Museums and galleries	Both	District
	Theatres and public entertainment	Local	District
	Community centres and public halls	Local	District
	Foreshore	Both	District
	Sports development and community recreation	Both	District
	Sports and recreation facilities, including golf courses	Local	District
	Open spaces	Both	District
	Tourism	Both	District
	Library service	NI-wide	County
ment and	Cemetery, cremation and mortuary services	Local	District
	Trading standards	NI-wide	County

Group	Service	NI	England
	Water safety	Both	District
	Food safety	Both	District
	Environmental protection; noise and nuisance	Both	District
	Housing standards	Both	District
	Health and safety	Both	District
	Port health (excluding levies)	Local	District
	Port health levies	Unclear	District
	Pest control	Local	District
	Public conveniences	Local	District
	Animal and public health; infectious disease control	Both	District
	Licensing - Alcohol and entertainment licensing; taxi licensing	Both	District
	Crime Reduction	NI-wide	District
	Safety Services	Unclear	District
	CCTV	Unclear	District
	Defences against flooding	NI-wide	County
	Land drainage and related work (excluding levy / Special levies)	NI-wide	District
	Land drainage and related work - Levy / Special levies	NI-wide	District
	Coast protection	NI-wide	District
	Agricultural and fisheries services	NI-wide	County
	Street cleansing (not chargeable to Highways)	Local	District
	Waste collection	Local	District
	Waste disposal	Local	County
	Trade waste	Local	District
	Recycling	Local	District
	Waste minimisation	Local	District
	Climate change costs	Unclear	County
Planning and development	Building control	Local	District
	Development control	Local	District
	Conservation and listed buildings planning policy	Both	District
	Other planning policy	Both	District
	Environmental initiatives	Unclear	District
	Economic development	Both	District
	Economic research	Unclear	County
	Business support	Both	District
	Community development	Both	District

20

Appendix 2: overview of council powers in the Republic of Ireland[7]

In Ireland, 31 local authorities are responsible for approximately 8% of Government spending, which proportionately (based on a national spend of approximately €63 billion p.a.) is about €5 billion.

Following modernisation / legislation in 2014, councils in Ireland have approximately twice the service portfolio, and five times the expenditure of councils in Northern Ireland, with some housing and local regional roads maintenance (neighbourhood services) being their most distinct statutory responsibilities.

Councils provide an extensive range of public services and through community / spatial development promote the interests of local citizens, including the social, economic, environmental, recreational, cultural, community or general development of places.

Responsibilities of local authorities

These are typically broken down into the following broad categories:

- Housing
- Planning
- Roads
- Development incentives and controls
- Environmental protection including rivers, lakes, air and noise
- Recreation facilities and amenities

In addition to the functions outlined above, a fundamental role of democratically elected local government is the representation of local communities, voicing local concerns and responding to local needs.

Local authorities and housing

Local authorities provide and maintain housing in their area. They assess the housing needs for the area and build, buy and lease dwellings. They also provide loans for the repair and improvement of dwellings within the area.

---

[7]   Sources: Citizens Information Library and the Association of Irish Local Government (AILG). This appendix was sourced separately by NILGA from the rest of the Report.

Local authorities and recreation facilities and amenities

Local authorities provide amenities, facilities and services related to artistic and cultural activities, sports and games, general recreational and leisure activities, libraries, civic improvements such as monuments, environmental and heritage protection and the public use of amenities.

Local authorities and planning

The local authority is the planning authority. It decides whether to grant or refuse planning permission for building and development in your area. It also creates a Development Plan every 6 years, which sets out its planning policies.

Local authorities and essential services

Local authorities provide essential services such as roads and bridges, fire services and drainage. Irish Water is responsible for water and wastewater services.

Local authorities also control dangerous places and buildings, abattoirs and knackeries and provide and maintain graveyards and burial grounds.

Local authorities and environmental protection

The local authority has an important function in relation to pollution control and animal control. It issues licenses for waste disposal and for emissions into the air from plants. It collects or arranges for the collection of domestic and other waste and it monitors the environment for signs of pollution. It also issues licenses for keeping dogs and licenses for horses within its area.

The local authority grants licenses to street traders to allow them to sell goods on the street and to casual traders to allow them to sell goods at casual trading areas designated by the city, county, town or borough council.

22

Consultation: Devolution within Northern Ireland

31st July 2018 – 28th September 2018

RESPONSE TEMPLATE

NILGA is inviting councils to corporately respond to the questions outlined in this consultation and to provide any other comments and appendices that they wish to add by 28th September 2018, to Karen Smyth at the NILGA Offices (k.smyth@nilga.org).

Derek McCallan

Chief Executive **Date 31st July 2018**

Q1: IN GENERAL, LOOKING AT PRINCIPLES AND CONTENT, WHAT IS YOUR COUNCIL'S OVERALL VIEW ON THE NPI REPORT "DEVOLUTION WITHIN NORTHERN IRELAND"?

Mid Ulster District Council would agree that local government has the potential to provide for more informed decision-making based on specialised local knowledge councils, its elected representatives and officials can bring to the delivery of local services. There is a local context to many of the issues councils face – issues which can primarily be resolved and addressed based on the knowledge and experience at the local level.

As such, of those services currently shared between local and central government, the Council would be supportive of these being delivered at a more local level. If the responsibility for these services are passed to local government and it is furnished with the appropriate expertise, autonomy on how they are delivered and financial resource to implement the service then benefits and outcomes for ratepayers could be clearly realised, demonstrated particularly through the current general duty on councils around improvement.

Q2: WHAT ARE YOUR COUNCIL'S COMMENTS REGARDING THE "POTENTIAL FOR LOCAL GOVERNMENT IN NORTHERN IRELND", AS PER PAGES 6 AND 7 OF THE NPI REPORT?

The Council agrees that there aspects of local government that could be enhanced, currently undertaken by other bodies and government departments, These specifically include the areas of general Regeneration of our public realm and further responsibility for local economic development matters and affairs. Potential also exists within housing and community amenities for local government to play an enhanced role.

These changes could lead to:

- Better service design at a local level with the end user

- Increased joined up working leading to targeted service deliver

- Improved decision making as a result of local input

- Additional scope for innovation and diversity in local areas on how things are done

An enhancement of Council services could also lead to improved consistency between rural and urban areas within district, borough and city council areas. However, Mid Ulster District Council would also expect that Councils be provided with the financial resource and means to fully exploit these areas of potential, at least equal to what is currently available for delivery of such services. Adequate financial provision would also have to be in place prior to any agreements in relation to enhanced areas for local government, together with how they would be transitioned and delivered.

Q3: WHAT ARE YOUR COUNCIL'S COMMENTS REGARDING THE PREMISE OF DEVOLVING NEIGHBOURHOOD SERVICES TO COUNCILS IN NORTHERN IRELAND, AS PER PAGES 13 AND 14 OF THE REPORT?

Neighbourhood Services play an integral role in the delivery of local government's current functions. It is the opinion of Council that the existing delivery arrangements are stunted due in part to split responsibilities between the Department for Communities and local government. In the experience of this Council and its legacy/predecessor councils, split service provision has led to public confusion between the role of central government departments and local councils – particularly in relation to housing, roads, waste and community/recreational amenities. If clear and defined roles, responsibilities and definitions were in place this would provide a basis for increased public awareness and understanding of local services delivered by a local authority.

To date Councils have also carried out successful regeneration works in town centres across their Districts, however there is still clearly practical roles for the Government Departments to play in the overall regeneration of the towns, cities and villages in NI. Therefore, Council would

support the focus on goals and outcomes in relation to devolution of neighbourhood services. This approach would also compliment the five themes of the Community Plan for Mid Ulster.

Initial attention should be given to the 'neighbourhood services' which were previously identified for transfer to local government as part of the most recent period of local government reform but not transferred from the then Department for Social Development (DSD) i.e. Regeneration and greater scope under the delivery and management of public realm.

Q4: THE APPENDICES TO THE REPORT EXPAND ON WHAT ARE CONSIDERED TO BE 'NEIGHBOURHOOD SERVICES'. IF YOUR COUNCIL HAS ANY PARTICULARLY STRONG VIEWS ABOUT INDIVIDUAL SERVICES THAT YOU BELIEVE SHOULD OR SHOULDN'T BE INCLUDED IN THIS PROCESS, PLEASE COMMENT BELOW:

Mid Ulster District Council would initially call for and support an agreed definition of 'Neighbourhood Services' within and across the sector that takes into account the geographical make up of local councils. Only at the point of there being an agreed definition should local government move forward on what services to include. An agreed Northern Ireland definition should reflect the variation in the geographical make up, populations and access to services - particularly in relation to variances between rural and urban dwellers. In general terms, council would support the following being included as part of the of the definition of Neighbourhood Services:

- Culture

- Environment

- Planning & Development

The inclusion of Highways and Transport would require greater consideration.

Q5: WHAT ARE YOUR VIEWS ON HOW A DRIVE FOR DEVOLUTION OF NEIGHBOURHOOD SERVICES AND / OR OTHER POWERS & SERVICES COULD BE MATERIALLY LINKED TO THE PROGRAMME FOR GOVERNMENT, COUNCIL COMMUNITY PLANS AND THE ASPIRATIONS OF COUNCILS FOR THEIR RATEPAYERS AND THEIR DISTRICTS?

The drive for the devolution of neighbourhood services and/or other powers and services that may be linked to the draft programme for government, council-led community plans and the aspirations by councils for their ratepayers and the Districts as a whole should be continually reviewed and sought to make local authorities relevant to their localities. The Outcomes Based Accountability (OBA) approach taken within the draft Programme for Government similar to the approach taken within Community Planning demonstrates that material linkages can be formed through commonality of purpose and joint delivery of actions. It would be Council's view that this

approach could lead to a lack of duplication of work and a demonstrable system of partnership working, delivery and accountability.

Comments are provided below in relation to each of the six practical steps:

1. ***A Secretary of State, NI Executive and NILGA Review of Local Governance would be supported by Mid Ulster District Council*** - this action would be useful in relation to examining alternative models of service delivery

2. ***NILGA and Councils identifying executive powers over the neighbourhood powers would also be supported*** - this action would ensure cohesion amongst all Councils and bring together agreed aims and objectives.

3. ***NILGA and Councils identifying shortlist of responsibilities that are currently associated with NI agencies*** - would also add to an outcomes based process, especially if agreement can be made with the NI agencies regarding what enhanced role local government could play within service delivery.

4. ***NI Assembly, NILGA and Councils developing a process to allow Councils to apply for Unitary style council status (similar to some English authorities*** – council believe that the advantages of a unitary style status should be fully explored further and consideration given before any processes are considered. What would follow with a Unitary Status would not necessarily follow with achieving such a status in a Northern Ireland context, so caution should be exercised.

5. ***MLA's, the NI Executive and NILGA*** – councils should seek strong clarity and agreement in relation to how resources are made available and distributed between Councils, in a sustainable over longer period cycles to ensure sustainability of any services devolved.

6. ***draft Programme for Government –*** the council would agree that the opportunity for greater executive and scrutiny roles for Councils should be explored for areas it is not wholly responsible for but have a direct impact on local citizens within districts/localities

The timeline appears to be largely determined by the 2019 and 2023 local government elections and on the face of it sufficient timescales seem to have been provided. The suggested timeframe appear to be as realistic and coordinated as it can be at this stage of the process. However, with any timeline that covers a long period, involving stakeholders outside local government, the timeframe will require some amount of flexibility without leading to a significant lengthening of the process.

Q8: WHAT DOES THE COUNCIL THINK WOULD BE NECESSARY TO HAVE IN PLACE TO UNDERPIN ANY FUTURE TRANSFER OF RESPONSIBILITIES (INCLUDING THE TYPES OF MECHANISMS NEEDED TO BRING SUCH RESPONSIBILITIES FROM CONCEPT TO REALITY)?

Mid Ulster District Council believes that the following elements would need to be in place to underpin any future transfer of powers and responsibility:

- Identify that a consensus exists between Councils, NI Executive and the Secretary of State to take the suggested plans forward and that there is a full willingness to collaborate

- Ensure that there is joined up approach in place with common aims and objectives, with oversight but a flexible governance structure which permits prompt decision making and matters being resolved.

- Clearly identify how ratepayers will be directly impacted upon (positively/negatively)

- Confirmation that any transfer of services, duties and powers would be cost neutral to local government and ratepayers (consequently and adequate resources are in place to ensure longer term service sustainability

- Clear linkages with the community planning process.

Local government has potential for enhancement, however the circumstances for this to come to fruition need to be examined and be part of an agreed long-term process as suggested. There needs to be a meaningful conversation within the local government sector on the desired direction and political leadership from the centre for such a project to be brought from concept to reality. The overriding principles and commitments from central government should be around (1) expertise transfer; (2) resource transfer and guaranteed for a period of time sustainability purposes and; (3) councils given the scope to deliver/ tailor services in a way that meets local needs within districts.

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 5 July 2018 in the Council Offices, Burn Road, Cookstown

Members Present	Councillor McKinney Chair
	Councillors Ashton, Buchanan, Cuddy, Doris, Elattar, Gildernew, Kearney, McPeake, S McGuigan, Molloy, M Quinn
Officers in Attendance	Mr A Tohill, Chief Executive
	Mrs Dyson, Head of Human Resources
	Mr Kelso, Director of Public Health & Infrastructure
	Mrs Kerr, Head of Finance
	Mr McCance, Head of Culture and Arts
	Ms McNally, Council Solicitor
	Mr O'Hagan, Head of ICT
	Mr JJ Tohill, Director of Finance
	Mrs Grogan, Democratic Services Officer

The meeting commenced at 7.00 pm.

PR150/18   Apologies

Councillors Bateson, Totten, Forde, McLean.

PR151/18   Declaration of Interest

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

PR152/18   Chair's Business

None.

Matters for Decision

PR153/18   Lease of lands at Pomeroy Forest from DAERA/Forest Service – Update

The Council Solicitor drew attention to the previously circulated report to update Members on DAERA/Forest Service's ("FS") legal arrangement with the Council in relation to lands at Pomeroy Forest and to seek approval to the amended terms.

Proposed by Councillor S McGuigan
Seconded by Councillor Molloy and

Resolved: That it be recommended to the Council to agree the revised terms of the Agreements as annexed at section 6 of the report between DAERA/FS and the Council.

PR154/18 Village Renewal Scheme: Rural Development Programme 2014-2020 Lease of non-owned Council Lands

The Council Solicitor drew attention to the previously circulated report to seek Members' approval in principle to enter into a lease agreement with various landowners in respect of different projects under the Village Renewal Scheme.

> Proposed by Councillor Gildernew
> Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council that approval be granted for the Council to enter into a Lease with the relevant Landowners in respect of the Projects listed in section 3.2 under the Rural Village Scheme, the terms of each individual Lease to be agreed and approved by Council.

PR155/18 Gas to the West – Option Agreement and Easement request re Lands at Railway Park, Dungannon

The Council Solicitor drew attention to the previously circulated report to seek Members' approval in principle for the Council to enter into an Option Agreement for an Easement in relation to the laying of a natural gas pipeline at lands at Railway Park, Dungannon ("the Site").

Councillor Ashton said that there was a lot of disruption within Dungannon and enquired how much disruption was anticipated for Railway Park.

The Council Solicitor said that she couldn't be sure but would be liaising with the relevant officers and third parties to get all the relevant details and update members on the situation.

Councillor Cuddy declared an interest in the item as he owns some land beside the path.

> Proposed by Councillor S McGuigan
> Seconded by Councillor M Quinn and

Resolved: That it be recommended to the Council that approval be granted for the Council to enter into an Option Agreement and subsequent Easement with SGN in relation to lands at Railway Park, Dungannon, the final terms of which are to be negotiated.

PR156/18 Service Improvement Plan – Finance

The Head of Finance drew attention to the previously circulated report to provide Members with an update in relation to the Finance Department Service Improvement Plan for 2018/19.

Councillor Cuddy referred to item 4.1 of the report and said that the plan starts off with what was said in the previous year and felt that it should be saying what it should be now and felt that it would be beneficial to have a traffic light system to show members where we currently were.

The Head of Finance said what was circulated tonight was only a summary as the overview of the performance is produced by the Performance Manager.

Councillor Cuddy said it was all good results, but should pick up for what is planned for next year and show it on the report.

The Director of Finance was that Councillor Cuddy had made a valid point but that his department was following the format of what other departments had done within their plans.

Councillor Cuddy said that from what he could see, the listed items were all wins and positive results and asked was there anywhere it showed not so positive items.

The Director of Finance said that there had been some delay in delivering the benefits of relocating the finance staff to Cookstown which had been identified in the previous year's plan due to delays in agreeing job descriptions, etc. Some of the anticipated actions had therefore been rescheduled into the current (2018/19) plan.

Councillor Cuddy said that it was important that measures were kept including all minuses also.

The Chief Executive said that the plan was done in a house style, but said that it was up to this committee how they wish to see the report i.e amended or targets not reached or achieved and said that this could be easily remedied.

Councillor Cuddy said that members needed to see the not so good things as members were here to support officers anyway they could.

In response to Councillor Molloy's query about the end of year plan, the Chief Executive advised that some are done and some are not as it can be extensive, but actions could be traced back through quarterly indicators.

The Chief Executive said that an additional column could be added if members so wished.

     Proposed by Councillor Gildernew
     Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council to adopt the Service Improvement Plan for Finance and note the contents of the report and that an additional line be included in future service improvement plans for targets amended/not reached etc. in the previous year.

PR157/18   Request to Illuminate Council Property – July 2018

The Head of ICT drew attention to the previously circulated report to consider a request from Pancreatic Cancer UK to mark Pancreatic Cancer Awareness month by lighting up/illuminating Council Buildings on World Pancreatic Cancer Day – Thursday 15th November 2018.

> Proposed by Councillor Molloy
> Seconded by Councillor M Quinn and

Resolved: That it be recommended to the Council to approve the request to light up Ranfurly House & Visitor Centre, Dungannon; Burnavon Arts & Cultural Centre, Cookstown and; Bridewell, Magherafelt purple on the evening of Thursday 15th November for World Pancreatic Cancer Day.

Councillor Cuddy said that it may be beneficial to find a way of drawing people's attention to what the colour represented as it was important for this to be highlighted.

PR158/18   Internal Bi-lingual Signage Mid Ulster District Council Facilities

The Head of Culture and Arts drew attention to the previously circulated report to ask Members' to consider draft designs for new Internal bi-lingual signage for Mid Ulster District facilities accessed by the Public.

Councillor Cuddy enquired about the costs incurred to implement the signage at the relevant sites.

The Head of Culture and Arts advised that the installation of internal signage would be rolled out as part of the wider signage programme led by the Technical Services team. Installation of internal signage would coincide with the erecting of the external signage at each location. Given the variances in signage requirements at each venue, the costs would vary from location to location.

Councillor Cuddy asked that costs be brought back to a future committee meeting.

The Chair said that signage must be implemented at council facilities in line with policy which included any facilities that were open to the public.

Councillor Ashton said she wished to voice her Party's objection to the proposal and that her party was consistent throughout this approach due to the public's disapproval of the whole initiative.

> Proposed by Councillor S McGuigan
> Seconded by Councillor McPeake and

Resolved: That it be recommended to the Council to approve the proposed designs for internal bi-lingual signage with Council facilities. Costs incurred to be brought to a future meeting.

PR159/18   Peace IV Shared Space Project – Donaghmore Riverside Project Agreement

The Council Solicitor advised that upon review, it would be more appropriate to take item PR159/18 Peace IV Shared Space Project - Donaghmore Riverside Project Agreement in Open Business as opposed to Confidential Business.

The Council Solicitor drew attention to the previously circulated report to seek Members' approval with regard to entering into a Project Agreement with Donaghmore District and Community Association ("DDCA") in respect of lands at Donaghmore Riverside Walkway.

The Council Solicitor drew attention to the first and last paragraphs of section 3.2 of the Report, in that the lands were actually owned by St Patrick's GAA and DDCA has a permissive path over them.

> Proposed by Councillor Molloy
> Seconded by Councillor M Quinn and

Resolved: That it be recommended to the Council to approve the Project Agreement between the Council, St Patrick's GAA and Donaghmore District Community Association as set out in Appendix A of the report.

Matters for Information

PR160/18   Minutes of Policy and Resources Committee held on Thursday 7 June 2018

Members noted minutes of Policy and Resources Committee held on Thursday 7 June 2018.

Local Government (NI) Act 2014 – Confidential Business

> Proposed by Councillor Gildernew
> Seconded by Councillor S McGuigan and

Resolved: In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items PR161/18 to PR172/18.

Matters for Decision
PR161/18   Proposal to consider the purchase of property 12, 14 and 15 Market Square, Dungannon (also known as Castle Buildings)
PR162/18   Proposal from Dungannon Enterprise Centre to transfer ownership of part of Drumcoo Playing Fields, Dungannon
PR163/18   Staffing Matters for Decision
PR164/18   Dungannon Leisure Centre Repairs

PR165/18   Dungannon Youth Project Delivery
PR166/18   The re-calculation of holiday pay to recognise regular
             voluntary overtime worked by staff in 2016/17 and
             2017/18 leave years following recent case law

Matters for Information
PR167/18   Policy & Resources Confidential Minutes of Meeting held
             on Thursday 7 June 2018
PR168/18   Contracts and DAC
PR169/18   Financial report for 2 months ended 31 May 2018
PR170/18   Staffing Matters for Information
PR171/18   Managing Attendance
PR172/18   GDPR Compliance and Progress Update

PR173/18   Duration of Meeting

The meeting was called for 7 pm and concluded at 8.30 pm.

Chair _____

Date _____

Report on	Annual Report and Self-Assessment on the Performance Improvement Plan 2017/18
Date of Meeting	Thursday 6th September
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	L Jenkins, Performance and Quality Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To inform members on the progress made towards the delivery of the 2017/18 Performance Improvement Plan (2017/18 to 2018/19) by way of a self-assessment report.

2.0	Background
2.1	**Council Discharging Duties under the Local Government Act (NI) 2014**
	Council has a duty to make arrangements to secure continuous improvement and to account for it under the 2014 Local Government (NI) Act. This paper offers details of our progress in delivering the Improvement Objective and activities described in Corporate Improvement Plan 2017/18 to 2018/19.
	In line with Council's statutory duty to make arrangements to secure continuous improvement in the exercise of its functions. We are required to publish two documents each year; the first is the "forward looking" improvement plan by the end of June, setting out our improvement priorities/objectives for the financial year ahead and the second is an annual report to reflect back on the performance of that plan, to be published by the 30th of September. The report is intended to comply with requirements and provide an assessment of performance on outcomes for citizens.
	From 2017/18 we are now further required to:
	1. Compare against Council's previous year's performance
	2. So far as is practicable, to compare our Performance against other Councils in the exercise of the same or similar functions (refer to section 3.1)
2.2	**Choosing and Consulting On our Improvement Objectives for 2017/18**
	The Council's Policy and Resources Committee oversaw the development of this 2017-18 & 2018-19 Improvement Plan to ensure the plan's publication as soon as practicable following the 1st April 2017, in line with Department for Communities guidance. The process of developing the Council's improvement objectives involved engagement between Senior Management and Heads of Service culminating in a workshop in February 2017. This engagement identified 19 potential areas for improvement across the council from which four proposed improvement objectives

where identified for consideration and approved by elected members as a focus for continuous improvement. To lead the delivery of our improvement objectives council has established project teams to drive the objectives forward; under the direction of a Senior Responsible Officer (SRO's) from senior management team, appointed by the Chief Executive. The improvement plan spans over a two-year period and the SRO's undertake a review of their improvement projects at end of the financial year.

The proposed improvement objectives, rationale and associated links to the Community and Corporate Plan were considered and approved by elected members at their March 2017 Policy & Resources committee meeting for public consultation. Senior Management considered the outcome of the consultation undertaken throughout March to May and the associated report on the final improvement objectives. Elected members then considered the consultation report for approval at their June Policy and Resources Committee before being endorsed by Council.

Consultation undertaken on our proposed improvement objectives, a rationale for their inclusion and associated activities for the period of the plan, was undertaken between 10th March and 5th May 2017. Our consultation involved a survey made available for completion and submission online and by post to the council.

To ensure maximum engagement, promotion of the process used a variety of communication channels including; council social media outlets, internal staff meetings, the council website and local press releases. 41 responses were received in relation to the consultation.

There was significant endorsement for the four proposed improvement objectives, together with additional commentary provided, the council then developed its 2017-18 to 2018-19 Corporate Improvement Plan around them. The outcome of the consultation and report on the final improvement objectives and indicators, were considered at the P&R Committee, and confirmed by Council. Our Services areas subsequently undertook the final development of their Service Improvement Plans containing the related improvement activities and measures and four improvement project plans were also developed to track and monitor activity.

The Improvement Objectives for 2017/18 (and 2018/19) were:

- Assist in the growth of the local economy by increasing the number of visitors to our district.
- Help manage our waste and environment by reducing the amount of waste going to landfill.
- Improve the accessibility of our services by increasing the number available online
- Support people to adopt healthier lifestyles by increasing the usage of recreational facilities.

3.0	**Main Report**
3.1	**Annual Self-Assessment of Performance Improvement report 2017 to 2018**

The annual self-assessment report 2017/18 has been prepared and is set out in Appendix One to the paper, in summary it covers:

- Introduction, **Section 1**

- Improvement and Council's hierarchy of plans., **Section 2**

- Choosing and consulting on our improvement objectives, **Section 3**

- Council's self-assessment of improvement objectives , **Section 4**

- Improvement Objectives – Projects progress and Self-Assessment, **Section 5**

- Council's self-assessment of statutory indicators and standards 2017/18, **Section 6**

- Council's self-assessment of self-imposed indicators/standards 2017/18, **Section 7**

- Overall Assessment for 2017-18, **Section 8**

- Have your Say**, Section 9**

The report provides a self–assessment of how Council has performed and delivered against our commitments, priorities and measures. Our work is scrutinised by the Local Government Audit Office to ensure that public money effectively delivers benefits to our communities.

It should be noted that in respect of the requirement to compare performance with that of other Councils (benchmarking) in a letter to the Chief Executive of Mid and East Antrim Council, dated 1st August 2018 as chair of the Local Government Performance Improvement working group, from the Northern Ireland Audit stated:

"…*referring to benchmarking, your letter notes "the Audit Office confirmed that benchmarking using time series internally for each Council is acceptable as was process benchmarking i.e. that the focus may involve comparison against a council's own performance in previous years'. While I agree that this is acceptable as an interim measure this year, it does not absolve councils in future years of the statutory responsibility to benchmark externally. I welcome the inclusion of benchmarking on the draft work plan of the multi-stakeholder group, given the importance of further progress in this area*".

We have ensured that this annual self-assessment report presents a picture of performance for the year. The following table is a summary:

Achievement	Explanation	No	%
Fully Achieved	All actions and measures were achieved	38	78%
Substantially Achieved	Actions and measures were mostly achieved, one or two falling marginally short of planned targets	11	22%
Partially Achieved	Some actions and measures were achieved	0	0%
Not Achieved	Actions and measures were not achieved as planned	0	0%

All improvement work activities/measures which contributed towards the fulfilment of the council's 4 Improvement Objectives for 2017/18 have seen the majority (100%) being "Fully Achieved/Substantially Achieved" compared to 92% of improvement work streams/activities

	against last year's 3 improvement objectives for 2016/17 and 82% in 2015/16 for one improvement objective. Six out of the seven statutory performance indicators/standards were fully achieved and two out of the three self-imposed indicators were fully achieved
4.0	**Other Considerations**
4.1	**Financial, Human Resources & Risk Implications**
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	**Screening & Impact Assessments**
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	**Recommendation(s)**
5.1	To note, review and comment as necessary on the Improvement Plan 2017-2018 Annual Report and Self-Assessment.
6.0	**Documents Attached & References**
	Appendix 1 - Annual Report Performance Improvement Plan and Self-Assessment 2017/18

Mid Ulster District Council

Annual Report
Performance Improvement Plan
Self-Assessment
2017 – 2018

August 2018

Contents

Foreword

Foreword

Improving the outcomes for Mid Ulster's citizens and businesses is at the top of the Council's agenda. The demand for improvement, its pace, combined with legislative requirements, have all increased dramatically in the last few years.

Part 12 of the Local Government Act (NI) 2014 sets out a General Duty of Improvement for local Government whereby Councils must put in place arrangements to secure continuous improvement in the exercise of their functions, consult widely on how to do so, report publicly on the outcome and prepare a performance improvement plan. As part of effective management and working practices, performance management should drive service delivery and improvement in every area of the council.

Mid Ulster District Council faces a range of challenges and opportunities, including significantly reduced level of resources from Government to deliver key services. Married with increasingly higher expectations from customers, yet this very scenario also provides an opportunity to re-think our role, the services we must deliver against those we would like to deliver and importantly how and, where they are delivered. The Council will need effective performance management and measurement to ensure success in meeting these challenges, to provide evidence of achievements and to identify 'what works'.

For the last two years, we have produced an annual report reviewing our performance in the previous financial year, which includes an evaluation of how well we delivered against the objectives set by Council in the previous year. We use performance indicators to monitor our performance. Some Stormont Government Departments set some of these "statutory indicators", and are now utilised for comparison with other Councils.

Our annual improvement plan has been a central part of our planning to set our objectives for the year ahead, the specific actions we undertake and how we measure our performance. This plan evaluates how well we have delivered the objectives that councillors set in 2017 to 2018. We have evaluated performance against our local priorities and objectives, as well as regionally important issues (such as the Programme for Government) to place these regional issues in their local context. As we adapt to meet our new statutory requirements we are confident we will deliver a better Mid Ulster District for everyone.

_____   _____
Councillor Sean Mc Peake   **Anthony Tohill**
Chair   **Chief Executive**

1.0   INTRODUCTION

1.1   Annual Performance Report

This Performance Report is a statutory document, which looks at how well we did during the 2017/18 financial year, in delivering the objectives and priorities as outlined in our Corporate Improvement Plan 2017- 18 (available to view on our website). The report provides an overarching self-assessment of how Council has performed and delivered against our commitments, priorities and measures. Our work is scrutinised by the Northern Ireland Audit Office to ensure that we use public money effectively to deliver benefits to our communities (Annual Audit Reports are available to view on our website - Northern Ireland Audit Office Report). We have ensured that this annual report on progress presents a fair and balanced picture of performance for the year. The annual report on progress sets out:

- Introduction, **Section 1**

- Improvement and Council's hierarchy of plans., **Section 2**

- Choosing and consulting on our improvement objectives, **Section 3**

- Council's self-assessment of improvement objectives , **Section 4**

- Improvement Objectives – Projects progress and Self-Assessment, **Section 5**

- Council's self assessment of statutory indicators and standards 2017/18, **Section** 6

- Council's self-assessment of self-imposed indicators/standards 2017/18, **Section 7**

- Overall Assessment for 2017-18, **Section 8**

- Have your Say**, Section 9**

2.0   IMPROVEMENT AND COUNCIL'S HIEARCHY OF PLANS?

2.1   What is improvement?

Part 12 of the Local Government Act (NI) 2014, put in place a new framework to support continuous improvement in the delivery of council services, in the context of strategic objectives and issues that are important to those who receive the services. Councils are required to gather information to assess improvements in their services and to report annually on their performance against indicators, which they have either, set themselves or that have been set by departments.

The Local Government (NI) Act 2014, (hereafter referred to as 'The Act'), is supported with guidance from the Department of Communities and "improvement" in the context of the Act means that Improvement is no longer limited to economy, efficiency and effectiveness but rather embraces the following:

5

- Making Progress towards a Council's strategic objectives (as set out in the community plan)
- Improving the quality of services
- Improving the availability of services
- Improving fairness by reducing inequality in accessing or benefitting from services, or improving the social wellbeing of citizens and communities
- Exercising functions in ways which contribute to sustainable development
- Improving the efficiency of services and functions
- Innovation and change, which contributes to any of the above objectives.

Mid Ulster District Council is committed to driving continuous improvement and performance across all service areas within the organisation. Improvement is about activity that enhances the sustainable quality of life and environment for ratepayers and communities. Council is committed to ensuring that our improvement objectives are relevant, that the best arrangements for delivering them are in place, and that we can demonstrate the impact on the outcomes for citizens. The vision to improve the economic, social, environmental and cultural well-being of Mid Ulster District is at the heart of everything the Council does.

2.2   Mid Ulster District Council's Corporate Planning Framework
A network of plans (key plans in a clear hierarchy) that work together to create a 'line of sight' to deliver key outcomes for Mid Ulster informs the Council's Corporate Planning framework (refer to figure 2.1). The plans show the relationship between the long term future of the area, the vision for the Council, mid-term plan of action, plan for Council finances, all the way down to what each Council service plans to achieve in the next year.

Evidence linked to existing and forecasted data will inform the Council's policy framework, which in turn will inform our planning process. It is important that elements within Council's planning and reporting activities are monitored and reviewed within an annual cycle.

Our Performance Management framework set against the statutory background of Part 12 of the Local Government (NI) 2014 Act is to:

- Issue an Annual Corporate Improvement Plan
- Issue a Community Plan in conjunction with our partners
- Set objectives and targets which; make a difference to our customers, reflect their needs and expectations as well as values of the Council.
- Stretch and motivate our employees and partners
- Convert top level outcomes into specific actions at appropriate levels
- Assign clear ownership and accountability
- Measure and review overall council progress at least quarterly and take action to address shortcomings
- Engage all areas of the Council in performance improvement
- Scrutinise what we do to ensure value for money

We will ensure through our performance management process that the Community plan outcomes and corporate plan priorities and annual improvement objectives (where relevant) are reflected through our service delivery and through our appraisal scheme, this is reflected for individual staff members through their personal development plans.

6

Figure 2.1 - Council's Step Approach to Managing Performance
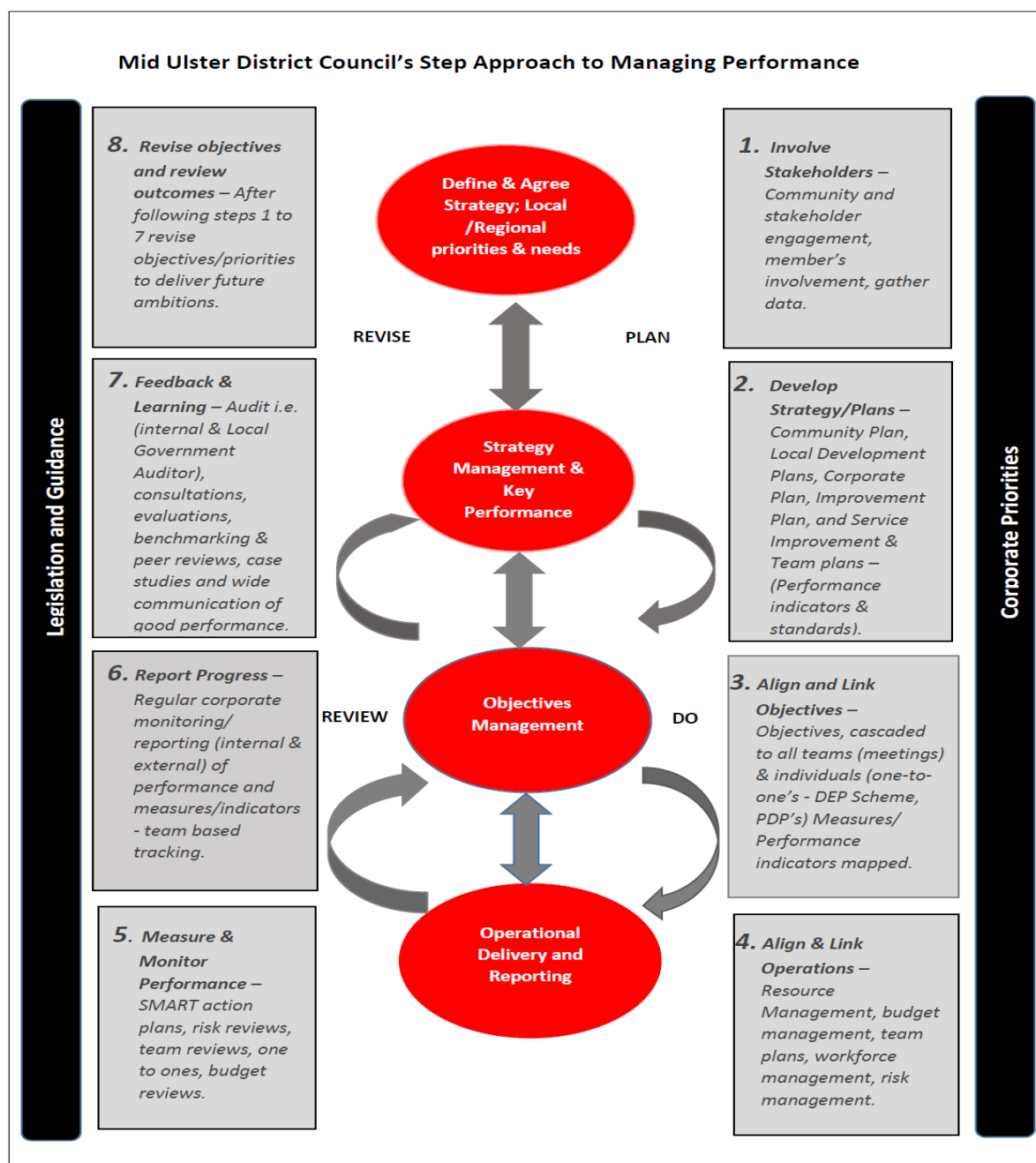
2.3   Community Plan

The 10-year plan for Mid Ulster "Our Community Plan" is the sovereign plan for Mid Ulster and forms part of the new statutory duty, which requires Council to "initiate, maintain, facilitate, and participate in community planning for the district" (the Community Plan is available on our web site). Community planning is a new responsibility for Councils in Northern Ireland. This brings local authorities in Northern Ireland into line with counterparts in England, Scotland and Wales. Community planning involves integrating all the various streams of public life e.g. education,

7

community safety, health, the voluntary sector, arts, leisure etc. to produce a plan that will set out the future direction of the Mid Ulster District Council area.

It reflects what has been laid down at the regional level in documents like the Programme for Government Framework 2016 – 21, the regional development strategy and others. The Community Plan describes what the Community Planning Partners' aim to achieve by working together, over and above what partners could do as individual organisations and partners include statutory bodies/agencies and the wider community including the voluntary, community and business sectors. The plan sets out the Community Planning partner's strategic priorities for action, and is a shared commitment to tackle these challenges. The plan sets out the vision for Mid Ulster as;

"…*a welcoming place, where people are content, healthy and safe, educated and skilled; where our economy is thriving, our environment and heritage is sustained, and where our public services excel*".

The Community Plan resonates around five themes (refer to figure 2.2), and running across the five themes are cross cutting guiding principles. All of our strategic actions must incorporate the principles of sustainable environment, equality and the highest standard of public service. The five themes have aligned outcomes associated with each, fifteen outcomes in total:

Figure 2.2 – Mid Ulster's Community Plan Themes and Outcomes

Community Plan Theme	Community Plan Outcomes
1. Economic Growth	• We prosper in a stronger and more competitive economy • We have more people working in a diverse economy • Our towns and villages are vibrant and competitive
2. Infrastructure	• We are better connected through appropriate infrastructure • We increasingly value our environment and enhance it for our children • We enjoy increased access to affordable quality housing
3. Education and Skills	• Our people are better qualified and more skilled • We give our children and young people the best chance in life • We are more entrepreneurial, innovative and creative
4. Health and Well-being	• We are better enabled to live longer healthier and more active lives • We have the availability to the right service, in the right place at the right time • We care more for those most vulnerable and in need
5. Vibrant & Safe Communities	• We are a safer community • We have a greater value and respect for diversity • We have stronger communities with less disadvantage & poverty

The Community Plan is the key strategic document for Council and an integral element of the performance management framework and performance improvement and community planning will inform, and be informed, by each other. The Community planning partners and Council must put in place arrangements for monitoring progress and publish a statement every two years, which outlines progress made against the identified outcomes and performance indicators.

8

The Community plan must also be reviewed before the fourth anniversary on which it was published and every four years thereafter. Planning is an essential component of good performance management and the delivery of effective and efficient services. It acts as a tool for making decisions about resource allocation and assists services/teams in staying focused on delivering ambitions, even during time of change. The business planning process translates high-level objectives (e.g. Community and Corporate Plan) into management action linked to performance measures. This process will be undertaken at all levels of the organisation, producing a hierarchy framework of plans that all feed up wards (the "golden Thread") and are aligned to the Council's overarching vision (as outlined in the Corporate plan).

2.4   Corporate Plan

The Council's Corporate plan 2015 – 2019 is the key Council policy document. The plan is in place for an agreed (defined) period and sets out how the Council will achieve its vision and key priorities as outlined from community consultation. All Council plans should be consistent with corporate priorities, improvement objectives and values in existence at the time of publication. The Corporate Plan covers improvement priorities and high-level actions, identified to achieve those priorities. The vision and priorities that are set out in the Corporate plan have a direct relationship with directorate business/service delivery plans at all levels, to ensure we are unified in working towards delivering our vision. We reviewed our Corporate plan in 2017 (the Community Plan was launched in the spring of 2017) and priorities with the key outcomes of the Community plan, thereby ensuring that the Council is able to deliver its commitments we have made alongside our partners, and enable a clear golden thread to be demonstrated within and across our partner organisations. Council undertakes annual monitoring and reporting of the corporate plan's performance.

2.5   Corporate Improvement Plan

The purpose of the Corporate Performance Improvement Plan is to enable the council to evidence it has discharged its duty to, "…make arrangements to secure continuous improvement in the exercise of its functions." (Section 84 of the Local Government Act (NI) 2014). Councils are required to identify, consult upon and publish improvement objectives on an annual basis. To ensure Council discharges its improvement duty it prepares an annual improvement plan containing improvement objectives, (Councils can set improvement objectives spanning more than one year).

Whist we constantly strive to improve all our services, it is important for us to identify a small number of areas where we want to focus our attention in order to achieve improvements more quickly. These are our Improvement Objectives, set out in our Annual Corporate Improvement Plan. Each year the Council identifies, consults upon and publishes a set of improvement objectives, which set out what we will do in the year ahead to deliver on our statutory duty to secure continuous improvement. Council ensures that the improvement objectives and associated improvement activity/measurement, ideally describes the overall purpose and scope of the action to deliver it and it ensures that the objectives are:

- **LEGITIMATE:** making a demonstrable contribution to at least one (or probably more than one) of the aspects of improvement listed in the Act.
- **CLEAR:** setting out the visible improvement that citizens can expect
- **ROBUST:** with defined terms of success (whether quantitative or qualitative)
- **DELIVERABLE:** with established links to individual service programmes and budgets; and

- **DEMONSTRABLE:** capable of being supported by objective (but not necessarily measured or quantitative) evidence

The Improvement plan is published in two parts. Part one is to be published as soon as is reasonably practicable after the 1st of April each year and details the Council's improvement objectives, the associated narrative around the plan and is forward looking, with part two published by 31st of October (this report) detailing the Council's assessment of its performance over the past year (retrospective or backward looking).

2.6 Service Plans

Service plans describe the core services and objectives/activities of services and how these are sustained and agreed within an agreed annual budget. They also provide the mechanism for further planning within services through which requirements resulting from; new legislation or statutory guidance, political or management priorities, improvements identified in the corporate performance improvement plan and recommendations resulting from statutory inspection, internal/external audit and service reviews are progressed to the extent possible with time available resources. They can also include elements within the Community plan, Corporate Plan, and Performance Improvement plan.

Service plans provide the essential link between the Council's high-level objectives and the individual employee's contribution towards the achievement of these known as the "golden thread". The service plans are monitored and reviewed on a regular basis, as "living documents" (minimum bi-monthly by Heads of Service/Directors), to ensure they are achieving their aims, and mitigating actions are developed in response to identified risks. The plans are considered (approval of draft annual service plans) and reviewed (progress reports) by the appropriate overview committee within Council, at the mid-year point to ensure that the plan is being delivered. Service plans should be placed as an agenda item for service team meetings, which should be held as a minimum on a bi-monthly basis and with staff undertaking their one to ones with line management (appraisal and personal development planning through the Council's Developing, Engaging and Performing scheme). An annual retrospective overview of the previous year's performance is detailed in the annual service plan.

2.7 Statutory Indicators/Standards and Self-Imposed indicators

In addition to the improvement, objectives and associated actions used to measure our performance the Northern Ireland Government Departments has set a series of performance measures (indicators and standards) which the council will report on annually. Where relevant, the council's improvement objectives incorporate statutory performance standards and indicators for Economic Development, Planning and Waste Management.

Arrangements for managing, improving and tracking Council's performance in relation to set statutory indicators has been progressed through our service plans, which are developed on an annual basis and endorsed by Council, or if relevant may appear in the annual corporate performance Improvement plan as aligning with one of Council's chosen Improvement objectives. Quarterly reviews and update reports relating to Council's statutory indicator performance are collated and forwarded to our Senior Management Team, respective committees and Council. Unless otherwise highlighted in the annual corporate performance improvement plan, statutory performance indicators are managed at a directorate performance management level.

2.8   Staff Engagement and Appraisals and Personal Development Plans (PDP's)

Appraisals are individual plans that translate the service plan objectives (Service Plans and team plans i.e. how they will be delivered) into working measures and targets for all members of staff within the Council. They ensure employees understand the contribution and accountability towards meeting the Council vision and objectives. Once performance expectations and targets are agreed, managers will regularly review progress with meetings throughout the year or through a short appraisal refresh meeting, with each employee six months later. Council has developed and adopted a performance management appraisal scheme, called "Developing, Engaging and Performing" (DEP's) in Mid Ulster District Council.

Relevant parts of the Community Plan, the Corporate Plan, Corporate Performance Improvement Plan and Service Plans forms the basis of personal objectives set for each SMT member, Heads of Service, Managers and individuals, and achievement against are discussed at regular one to ones.

Good personal development planning will result in the best use of time and resources, both for the individual, and the organisation and should deliver better performance and results. Within Council, personal development plan set out the actions staff propose to take to deliver on objectives, and how to learn/develop themselves. The Council views attaining business objectives as the core of personal development planning, as it is through the achievement of staff's personal objectives that they can apply their learning and see the results. All staff take responsibility for formulating and implementing their PDP plans (i.e. taking responsibility for their own performance), and all staff will receive support from the Council and their managers in completing them. Council envisages that Personal Development Planning will provide staff with knowledge and a portfolio of transferable skills that will help progress their careers. Further guidance and detail.

3.0   CHOOSING & CONSULTING ON OUR IMPROVEMENT OBJECTIVES 2017 - 2018

3.1   Developing the Improvement Objectives: 2017-2018 and 2018 to 2019

The Council's Policy and Resources Committee oversaw the development of this 2017-18 & 2018-19 Improvement Plan to ensure the plan's publication as soon as practicable following the 1st April, in line with Department for Communities guidance. The process of developing the Council's improvement objectives involved engagement between Senior Management and Heads of Service culminating in a workshop in February 2017. This engagement identified 19 potential areas for improvement across the council from which four proposed improvement objectives where identified for consideration and approved by elected members as a focus for continuous improvement. To lead the delivery of our improvement objectives council has established project teams to drive the objectives forward; under the direction of a Senior Responsible Officer (SRO's) from senior management team, appointed by the Chief Executive. The improvement plan spans over a two year period and the SRO's undertake a review of their improvement projects at end of the financial year.

The proposed improvement objectives, rationale and associated links to the Community and Corporate Plan were considered and approved by elected members at their March 2017 Policy & Resources committee meeting for public consultation. Senior Management considered the outcome of the consultation undertaken throughout March to May and the associated report on the final improvement objectives. Elected members then considered the consultation report for approval at their June Policy and Resources Committee before being endorsed by Council.

Our Improvement Objectives 2017-18 and 2018-19:

One   To assist in the growth of the local economy by increasing the number of visitors to our district.

Two   To help manage our waste and environment by reducing the amount of waste going to landfill.

Three   To improve the accessibility of our services by increasing the number available online

Four   To support people to adopt healthier lifestyles by increasing the usage of Council recreational facilities

3.2   Consultation

Consultation undertaken on our proposed improvement objectives, a rationale for their inclusion and associated activities for the period of the plan, was undertaken between 10th March and 5th May 2017. Our consultation involved a survey made available for completion and submission online and by post to the council. To ensure maximum engagement, promotion of the process used a variety of communication channels including; council social media outlets, internal staff meetings, the council website and local press releases. 41 responses were received in relation to the consultation.

3.3   What the Consultation told us

- 90% of respondents agreed with Objective 1: *To assist in the growth of the local economy by increasing the number of visitors to our district*

- 98% of respondents agreed with Objective 2: *To help manage our waste and environment by reducing the amount of waste going to landfill*

- 95% of respondents agreed with objective 3: *To improve the accessibility of our services by increasing the number available online*

- 93 % of respondents agreed with objective 4: *To support people to adopt healthier lifestyles by increasing the usage of Council recreational facilities*

With such significant support for the four proposed improvement objectives, together with additional commentary provided, the council developed its 2017-18 and 2018-19 Improvement Plan around them. When reviewed, respondent commentary did not warrant the removal, amendment to or addition to the objectives proposed. Additional commentary and views provided is informing our wider improvement activity across services.

4.0 COUNCIL'S SELF – ASSESSMENT OF IMPROVEMENT OBJECTIVES 2017-2018 to 2018-2019

4.1 Council's Improvement Plan

Our Improvement Plan acts as a 'business plan' and links to the priorities in the District's Community Plan and Council's Corporate Plan (2015-2019) through our Strategic Objectives. Under each of the four improvement objectives, the council has given a clear rationale for the following:

- why the objective has been chosen
- what has been carried out thus far in relation to the objectives (performance)
- what Council's planned improvement activities are for the year (actions and measures)
- the outcomes citizens can expect from the completed activities (the difference they will make)
- ensuring improvement aspects contained within the Act are embraced in the improvements, and
- demonstrates how our improvements align with Council's strategic objectives (or our strategic effectiveness).

4.2 Self-Assessment

The following sections review and gives a progress commentary under each of the four improvement objectives in tabular format with associated narrative. The improvement objectives, provides a summary of what the council sought to achieve, how well the Council has performed, and an overview on the impact or outcomes for citizens.

The following tables also set out and refers to the improvement aspects, community plan and corporate plan themes, which align and link to the improvement activities/measures.

Where some actions have deviated from plan, there is an explanation and a narrative to explain the way forward in completing the activity (column 5 – commentary). The achievement status of each is presented on the basis of: Fully Achieved, Substantially Achieved, Partially Achieved or Not Achieved as explained below in; Figure 4.2 – *Legend for self-assessment (evaluation) of progress made on key actions and measures of achievement*.

Figure 4.2: Legend for Self –assessment of progress made on for key actions and measures achievement (performance rating/status).

Evaluated As	Explanation
Fully Achieved	All actions and measures were achieved
Substantially Achieved	Actions and measures mostly achieved, one or two falling marginally short of planned targets
Partially Achieved	Some actions and measures were achieved
Not Achieved	Actions and measures were not achieved as planned.

13

5.0 IMPROVEMENT OBJECTIVES - PROJECTS PROGRESS AND SELF-ASSESSMENT.

Improvement Objective 1 – 14 Activities/Measures

5.1 ***To assist in the growth of the local economy by increasing the number of visitors to our district***

"I strongly agree with this objective. This district has so many wonderful assets that visitors would enjoy, but I think it is often overlooked by tourists who tend to go to larger cities or coastal areas. As a new resident here, we've enjoyed showing our new surroundings to the visitors we've had since we moved here."

(Resident; Mid Ulster Councils Corporate Improvement Objectives Survey; May 2017)

Link to District Community Plan Theme: *Economic Growth*
We have more people working in a diverse economy

Link to Corporate Plan Theme: *Sustaining our Environment*
Realising tourism potential of Mid Ulster, being clear upon the opportunities and targeting resources.

Performance Improvement Aspects, which this improvement objective aims to deliver against
Strategic Effectiveness, Service Quality, Service Availability, Efficiency, Innovation

Lead Officer: *Director, Business & Communities.*

Why have we chosen this Improvement Objective?

Tourism has been recognised as an economic driver by the Council. Enhancing the role of tourism as an economic activity will require local agencies, stakeholders and residents to understand its' potential to sustain and increase the 3,000 plus tourism and tourism related jobs in the district. In 2014 the number of visitors to the district stood at 214,000 with a visitor spend of £27 million, equivalent to only 4.6% of NI overnight trips and 3.6% of NI spend in 2014.

In essence, Mid Ulster is a developing destination and as such has not yet fulfilled its potential. Opportunities for tourism growth lie in building on existing and new tourism propositions into a single tourism product or destination by capitalising on Mid Ulster's central position in Northern Ireland. The challenge is to bring together Mid Ulster's tourism assets and attributes, support the dispersal of visitor spend and investment across the area and provide an offering for visitors to visit and stay in our district.

Overview of What We Achieved during 2017/18

- The Council has successfully applied and secured £500K in the Department of Agriculture, Environment and Rural Affairs (DAERA) and £250K from Landfill Communities Fund for a "Dark Skies Observatory and Visitor Centre" at Davagh Forest. The £1 million pound project demonstrates the Council's commitment to optimising the tourism product for Mid Ulster and builds on the national and international success of the launch of the Seamus Heaney HomePlace.

- During 2017/18 Council Visitor Information Centres achieved an average 90% rating score from the mystery shoppers visits.

- Two Council staff members have successfully attained World Host qualifications and are now licensed; this has seen the delivery of World Host training for the local Tourism Trades, with five local businesses and ten trade staff within the Clogher Valley attending learning and development sessions.

- A local tourism trade hub has been completed and went live and training sessions have been delivered for local tourism businesses. The hub offers useful material on how to grow and promote your business and a forum for discussion with other like-minded people. With easy to navigate tabs separating all the material provided into sections, the website is designed to help quickly locate all the information site visitors need. Queries are dealt with by simply using the Ask an Expert or Contact Us tabs and help will be at hand. An up-to-date business directory that can be searched by business type or name is another handy tool.

- Carleton Trail (a waymarked walk of just under 30 miles for driving, walking, cycling) has been upgraded and launched alongside a self-guiding virtual app for the trail.

- Twenty Council Corporate events attracting audience figures of 93,793 were undertaken over the last twelve months; an increase in audience attendance of 3.9% over the previous year's figures.

- The number of local tourism trades staff upskilled in 2017/18 was 59 and included workshops and training programmes as varied as Promoting Tour Packaging, Promoting Sales and Enhancing Communications, Promotion through Attendance at Trade/Consumer Exhibitions/Shows and ten businesses signed up for a IT Skills and Social Media Mentor Programme.

- Our baseline year visitor numbers who participate in and access Council tourist, cultural facilities and natural attractions was 1,186,493 for 2017/18.

- Staff and trades within the district attended five consumer shows during the year. Local trades were able to avail of space and the marketing/promotional "bounce" from Council's promotional stands at the consumer show events, which ranged from attending Holiday World (in both Belfast and Dublin), Garden Show Ireland (in Antrim), Balmoral Show, Clogher Valley Show and the Bloom Show in Dublin. In total 33 trades promoted their products services through the exhibition/promotional space

Progress Status Against Performance 14 Activities/Measures – What we did?

What are we going to do?	Timescale	Outcome - What difference will it make?	Progress	Comments
1. *Performance 7 Quality framework developed for all VIC's : Undertake Baseline current Visitor Information Centres (VIC's) in relation to visitor figures and develop standardised performance management reporting framework. Develop Corporate VIC action plan in order to improve the quality and quantity of VIC's in the district All Council VIC's to obtain and maintain Tourism Northern Ireland's (TNI) Minimum standards by 2020	October 2017 March 2019 March 2019	Fit for purpose reliable, accurate and informed visitor data Enhance and extend visitor information centre offering Centres achieve industry excellence standard and improves their mystery shopper scores		Baseline of current Visitor Information Centre (VICs) in relation to visitor figures in place (267,527 2017/18) standardised performance management reporting framework. A Corporate Visitor Information Centre (VIC's) audit assessment has taken place which will inform action plan development in winter 2018/19. All MUDC Visitor Information Centres have action plans in place to attain (TNI) minimum standards 2020. All VIC's achieved 90% mystery shopper rate. Funding being sought from funding streams
2. Achieve World Host Status for Clogher Valley & Cookstown (: (i) Clogher Valley by 2019 (ii) Cookstown by 2021	March 2019	Introduce a destination wide focus on quality and service delivery		Two Tourism Development Officers have successfully completed training and are licensed WorldHost Facilitators.

16

				Tourism businesses identified within defined area and targeted for first round of training now completed.
3. Mid Ulster to adopt a "Digital First" approach to Tourism delivery, marketing & promotion through implementation of digital content channels and a tourism portal	March 2019	Industry leading utilisation of digital and content channels		Industry Hub (Portal) now completed and live, private sector and industry trained on using the Hub. **Request to extend delivery of Mid Ulster Council Tourism Digital strategy due to Tourism NI new digital plans. During 18/19 Tourism NI plans to work with all Councils on a collective NI** Visitor Digital presence. Council digital plan arise from this combined effort
4. Appoint external consultancy to undertake audit of customer experience journeys : at all Heritage, Culture & Arts facilities, Visitor Attractions, Tourism Related Facilities – (phase 1) by service	October 2017	Increased understanding of customer experiences, customer journeys and customer offerings		Customer mapping journeys audit is completed at HomePlace and Ranfurly House.
5. Develop Visitor Experience & Customer Journeys improvement plan to for Council's Heritage, Culture & Arts facilities, Visitor Attractions and	March 2018	Focused and innovative tourism facilities and products.		The MUDC Visitor Experience and Journeys Action Plan is now in place in April 2018/19, one month longer than anticipated.

Tourism Related Facilities by March 2018			*(amber)*	
6. Lead the Heritage Lottery Fund £3 million "*Heart of Ancient Ulster*" Phase 1 & 2	November 2018	Development of Landscape Community Plan to include new and evolving products, services	*(green)*	2 Staff now in place for Project a partnership board has been established to oversee the project
7. Complete the Phase 2 upgrading of "*US Grants*" to achieve 4/5 star Tourism NI grading	March 2019	Creation of high quality memorable experience to include redevelopment and improvement of product to wider audience	*(green)*	Successful funding application for upgrade. Audit of brown and white signage completed (5 in total), 4 star grading achieved for the centre
8. Launch the upgraded "*Carleton Trail*" in Clogher Valley by September 2017..	March 2019	Enhanced visitor experience	*(green)*	The Carleton Trail was launched on Friday 15 September 2017 alongside the opening of the Carleton Summer School 2017, which took place from 15-17 September 2017. Carleton Trail Virtual App completed.
9. Deliver 20 Corporate Strategic events across the district per anum. and increase attendance figures by 5% by 2019	March 2019	Attract and grow hallmark events, raising the profile of the area and bringing economic benefits to the district	*(amber)*	Over 20 Corporate Events were organised over the last 12 months. This year our total audience figures were 98,793 an increase of 3.9%. from previous year
10. Extend Trade participation at major trade and consumer promotions - Undertake a series of	Annually March 2018	Enhance brand promotion, product visibility and upskill local	*(green)*	Trades attended 5 consumer shows with 33 local businesses represented , in

18

travel industry shows and familiarisation visits to upskill trade staff in sales promotion		tourism trade on a world stage.		excess of 59 local trades staff representatives undertook various learning and development programmes.
11. Generate Support & engage the Tourism Development Group and established 5 tourism cluster groups	Bi-monthly	Places tourism as an economic driver in the Mid Ulster Economy by creating stronger partnerships.		There were 6 meetings of the Tourism Development Group, engagement and communications plan in development
12. Lead the development of *"Dark Skies"* Davagh Forest Project heritage product plan in Davagh Forest and its hinterlands	March 2018	Develop investment in a catalyst tourism project		Baseline of potential new audiences completed, Green book economic Appraisal completed
13. Achieve as a minimum 4 and 5 star visitor attraction grading's for *Seamus Heaney HomePlace, Burnavon, Ranfurly House & Hill of the O'Neill* (As designated by Tourism NI) by 2020	March 2019	Attainment of excellence standard ratings scheme recognised by the tourism industry		All Tourism Ni staff have been trained to Tourism 4/5 standard during 2017/18
14. **Design , deliver and launch Seamus Heaney Ground Trails project				HLF approval received to permit extension round 2 submission until 31st May this impacts on initial completion date identified of 1st Sept 2018.ICT preparing detailed designs

19

				each element of Trails project

* After discussion at the Economic Growth Meeting on 15 September 2017, it was agreed that the previous CIP Actions 1-3 are amalgamated to be one wide ranging action (CIP 1 A, B and C instead of 1,2 and 3) for ease of reporting by the Director in Q3

** A014 was added due to the Culture & Arts service being transferred to the Business & Communities Directorate.

Improvement residents, businesses or visitors have seen throughout the year

Council has delivered a destination wide focus on excellent customer care, Council's Visitor Information Centre's achieved a 90% Mystery shopper rating , intelligent quality information through our up-to-date tourism portal, enhanced product development (3 of our local trades have applied for World Host recognition) and visitors to the Carleton Trail can now use the app to enhance their visitor experience. Visitors can also enjoy enhanced and upgraded facilities at US Grants.

Improved access at our Visitor Information Centre's through our numbers of visitors, increased visitor numbers at Council events (up 3.9 % from the previous year) and VIC's now have a new performance management framework in place at the Centre's. Engaging with our tourism partners; through our tourism forum meetings (we facilitated six meetings over the year) and provided a secretariat for the five Tourism cluster group meetings (the clusters include: Events, Seamus Heaney; Outdoor Recreation; Archaeology Culture and Heritage and Good Food), throughout the year (where guest speakers and leaders within the tourism industry have attended).

Our local traders have successfully participated at trade shows in conjunction with Council staff trade stands, widening their prospective pool of customers, thereby demonstrating their products and services to wider markets. Local trades through Council's newly qualified World Host trainers have availed of world-class training on acquiring accredited quality schemes for their businesses. All of these activities has assisted placing tourism as an economic driver, by attracting investment; visitor numbers and tourism spend into the Mid Ulster economy.

Improvement Objective 2 – <u>8 Activities/Measures</u>

5.2   To help manage our waste and environment by reducing the amount of waste going to landfill

"Clear advertising and education programmes should be encouraged for all households and within local schools, companies."

(Resident; Mid Ulster Councils Corporate Improvement Objectives Survey, May 2017)

Link to Community Plan Theme: *Infrastructure*
We are better connected through appropriate infrastructure

Link to Corporate Plan Theme: *Delivering for Our People*

20

High performing services focused on customer and value for money

Performance Improvement Aspects that this improvement objective aims to deliver against
Strategic Effectiveness, Service Quality, Service Availability, Sustainability, Efficiency, Innovation

Lead Officer: *Director, Environment & Property*

Why have we chosen this Improvement Objective?

The UK has agreed to reduce the amount of biodegradable municipal waste going to landfill to prevent as far as possible any damage to the environment caused by landfilling. Legislation aims to reduce the amount of waste being sent to landfill by finding ways to recover value from waste and developing sustainable management practices. Disposal to landfill is the least preferred option in the waste hierarchy and is only be used as a last resort after re-use, recycling and recovery options, as an escalating scale of taxation on materials being sent to landfill has made this an increasingly expensive option. We generate tonnes of waste every year in and all councils are set targets for the amount of waste that goes to landfill and these are lowered every year. Throughout 2015 and 2016 the Council only used 72.8% of its NI Landfill Allowance Scheme allowance (15,530 tonnes) of biodegradable local authority collected municipal waste permitted to be landfilled, placing it 3rd in overall performance out of 11 Councils. It will be challenging but the Council wants to further reduce this amount.

Overview of what we achieved during 2017/18.

- Achieved the highest household waste recycling rate of all eleven Councils in 2017/18. Exceeded 50% of 2020 statutory target by 4.4%. Council achieved 54.40% rate for 2017/18, which is 2.78% higher than 2016/17
- The amount (tonnage) of Biodegradable Local Authority Collected Municipal Waste that is Landfilled, Council utilised only 52.67% of NILAS allocation in 2017/18 compared to 73.38% in 2016/17 (despite the decreasing annual tonnage allocation). There were 4,769 tonnes less of Biodegradable Local Authority Collected Municipal Waste landfilled in 2017/18 compared to 2016/17.
- The amount (tonnage) of Local Authority Collected Municipal Waste Arisings, there was a 3.4% decrease in 2017/18 (compared to 6.6% increase between 2015/16 and 2016/17), that is 2,840 tonnes less Local Authority Collected Municipal Waste Arisings in 2017/18 compared to 2016/17.
- To re-launch the brown bin scheme, Council distributed 54,000 recycling packs during the first quarter throughout the district and 18 of our Refuse Vehicles now carry food waste livery. Council undertook updates on the Council web-site relating to the brown bin re-launch, as well as features in the Council's magazine, photo calls, were all part of the campaign.
- Council noted that in the first quarter there was approximately a 7% reduction in waste collected in black bins with a corresponding increase in material collected in Brown bins.
- A successful funding application submitted to WRAP/DAERA to support phase 2 of the Food Waste Communication was successful for £5K, the funding was allocated to raising awareness through "No Food Waste" stickers (which were placed on all black bins across the District) and shopping bags.

- Council reviewed its' charging policy to offer a discount on the collective purchase of three bins to encourage the uptake/usage of brown bins.
- Magheraglass landfill site closed on the 20th of May 2017, re-grading and preparatory works were completed, a contract advertised in February 2018 for the final phase of capping, with tender evaluations scheduled for July 2018.
- The Closure of the Tullyvar landfill site progressed during the year, with a landfill capacity study commissioned, phase III of the interim contract was awarded and works commenced at the end of December 2017 and the contract was completed in March 2018. A landfill capacity report was presented to the Joint committee in March with estimated closure /mothballing of the site due in September 2018.
- The construction of a waste transfer station at Drumcoo recycling centre in Dungannon received planning approval in July 2017 and a list of contractors selected to tender for construction of the facility, with an award contract endorsed at the Environment Committee in November 2017. Site works commenced on the 12th of February with an estimated completion date at the end of July 2018.
- The awarding of new contracts for the processing of residual waste, bio-wastes and mixed dry recyclables is well underway.
- Council delivered an annual Recycling Awareness Communications Plan during the year, which included; and Eco Speak competition in April (with over 20 schools participating in the competition), Compost Awareness Week 8th 12th May, a WEEE Recycling competition in July, recycle week w/b 25th of September, a Dry Recycling Communications initiative was completed and circulated to every households in the District and there was increased "door-steeping" by Recycling Officers in areas where high levels of contamination were identified.

Progress Status Against Performance – 8 Activities/Measures – What we did?

What are we going to do?	Timescale	Outcome - What difference will it make?	Progress	Comments
1. Recycle/compost at least 51% of household waste by: Processing additional residual waste by diverting waste from landfill and extracting more recyclates Diverting residual waste to other waste streams	March 2018	Recycling is more sustainable than landfill. The overall cost of recycling is lower than landfill and creates greater economic benefits		Target exceeded more than 51%

2. Restrict the amount of Household Waste landfilled as a percentage of total amount to no more than 35% (26,514 tonnes based on 2016/2017 tonnages)	March 2018	Demonstrates the Councils commitment to Sustainable Development and the Circular Economy		Target exceeded less than 35%
3. Relaunch the brown bin scheme to increase the amount of food waste collected for composting through Education and Awareness Campaigns including the provision of information to all households and on vehicle advertising.	March 2018	Demonstrates the Councils commitment to Sustainable Development and the Circular Economy		Successful re-launch of Brown bin scheme, through awareness/ promotion campaign, successful funding secured and revision of Council policy
4. Close Magheraglass Landfill Site (and to award the contract for the final capping of the site)	June 2017 & March 2018	Demonstrates the Councils commitment to environmental regeneration, Sustainable Development and the Circular Economy		Magheraglass Site closed May 2017; Tender is proceeding for capping works scheduled for July 2018.
5. Close/Mothball Tullyvar Landfill Site	June 2018	Demonstrates the Councils commitment to environmental regeneration, Sustainable Development and the Circular Economy		Landfill capacity study commissioned and reported to committee March, phase III , capping contract awarded works commenced December 2017 and completed March 18
6. Construct a Waste Transfer Station at Drumcoo Recycling Centre, Dungannon in preparation for the	June 2018	Demonstrates the Councils commitment to a more sustainable waste collection		Planning approval was agreed and contractor was on site early 2018, with 20

23

Closure of Tullyvar Landfill Site		service by reducing vehicle mileage and by bulking waste close to its source		week construction phase and estimated completion date July 2018
7. To award new contracts for the processing of residual wastes, bio-waste and mixed dry recyclates	March 2018	Demonstrates the Councils commitment to more sustainable waste treatment by utilising third party processes and contracts to increase recycling rates.		Contracts awarded, one legal challenge has a set aside, which as of July 2018 will see final company awarded.
8. To deliver the annual Recycling Awareness Communication Plans to local schools and communities	March 2108	More awareness of schools and communities to the environmental and economic benefits of landfill diversion and recycling		Delivered annual; recycling communication plan

How will we know?

Measure	Current Performance (date)	Comparative Performance (date)	Target for 17/18	Target for 18/19
How Much Did We do? (number)				
Tonnes of Household Waste Landfilled	2016/2017: 26,514.04 t	2015/2016: 26,745.19 t	25,684.42 tonnes (based on 2016/2017 total)	22,015.22 tonnes (based on 2016/2017 total)
How Well did we do It? (%)				
% of Household Waste Landfilled	2016/2017: 36.13%	2015/2016: 38.01%	35%	30%

Improvement residents, businesses or visitors have seen throughout the year

A high media profile in relation to recycling, composting and food waste segregation and collection has taken place, raising awareness amongst citizens and communities within the District. A reduction in the wider environmental impacts of landfill particularly in the proximity of Magheraglass landfill site (now closed) and Tullyvar landfill site closure is progressing well.

Improvement Objective 3: - 19 Activities/Measures

5.3 To improve the accessibility of our services by increasing the number available online

"Where possible online services should be available to those who want them, but face-to-face and telephone services should also be available, as not everyone has a computer or knows how to use one."

(Resident; Mid Ulster Councils Corporate Improvement Objectives Survey, May 2017)

Link to Community Plan Theme: *Health and Wellbeing*
We have better availability to the right service, in the right place at the right time.

Link to Corporate Plan Theme: *Delivering for Our People*
Increase Access to services and customer experiences across the district.

Performance Improvement Aspects that this improvement objective aims to deliver against
Strategic Effectiveness, Service Quality, Service Availability, Fairness, Efficiency, Innovation

Lead Officer: Director, Finance

Why have we chosen this Improvement Objective?

Our customers, communities and businesses want to experience the Council, which provides a single seamless journey from initial enquiry right through to the required support. The council wants to increase the range of on-line transactions, simplify our processes and engage with our customers, whilst providing appropriate support for those who interact with our services in non-digital ways such as face-to-face, written correspondence or by telephone. We will not leave anyone behind, however, over time, the success of better-designed digital services will allow Council to reduce the scale and profile of less convenient, less effective and less efficient contact methods

Overview of what we achieved during 2017/18 – 14 Activities/Measures

- Developed a report, which researched next/good practice in relation to online services, which identified further areas for Council's online presence and looked at current Council on-line capabilities.
- Introduced Committee and Council papers online through Mid Ulster's web-site
- Increased the awareness for the community of the availability to apply for dog licences and Building Control Regularisation applications on line.
- The development and implementation of customer on-line facility to pay invoices in Council is well under way with Online business gateway created and online gateway integration forms passed to design supplier to complete.
- An online facility to pre-pay and account manage commercial waste disposal at identified Recycling Centres - Cookstown, Drumcoo and Magherafelt is in place.
- An online facility to submit service requests for Building Control Inspections now available on-line.
- An e-order module is now in place within Council which allows us to transact Electronic Orders which are issued directly to suppliers in an accurate manner that enhances efficiencies of invoice payment process
- There was a smooth transition of Greenvale into Council with Exerp system purchased.

Progress Status Against Performance – 19 Activities/Measures – What we did?

What are we going to do?	Timescale	Outcome - What difference will it make?	Progress	Comments
1. Complete scoping exercise to develop project plan on online provision	May 2018	Route map designed to achieve objective		Completed
2. Undertake an Analysis/examination of good/next practice of online services	Aug 2017	Define and design online services and systems around customers rather than ourselves		Report on next/good "on-line" practice completed
3. Undertake an Analysis/examination of good/next practice of online services and hen complete a review and an assessment of Council's online service provision	Oct 2017	To understand service demand and customer transaction process in detail		review and assessment Council's online provision completed

No.	Action	Date	Target		Status
4.	Develop a prioritised programme of work through SMART Action Plan	Oct 2017	Plan to automate and make digital services online, where practicable		Draft prioritized programme prepared subject to resources
5.	Implement an online facility to pay invoices	June 2018	Mid Ulster Website operating a payment interface for the customer		Implementation of customer on-line facility to pay invoices in Council well under way with Online business gateway created and online gateway integration forms passed to design supplier to complete
6.	Implement an online facility to pre-pay and account manage commercial waste disposal at identified Recycling Centres - Cookstown, Drumcoo and Magherafelt	May 2018	Prepaid operational online customer portal for civic amenity site commercial waste disposal		Commercial waste disposal on -line facilities installed at 3 main recycling sites
7.	Increase utilisation of existing online services in Dog Licencing	Mar 2018	Improved processing times and administration efficiencies		Achieved a 34% increase in dog licence applications issued online
8.	Increase utilisation of existing online services for Building Control Regularisation applications	Mar 2018			The overall percentage of Building Notice and Regularisation applications received was 12.5%
9.	Implement an online facility to submit service requests for Environmental Health Complaints and new premises registrations	May 2018	Reduced administration for back office systems and processes		Environmental Health Complaint's & registrations Pilot available for Council starting in April but this is dependent on support costs for the portal.

27

10. Implement an online facility to submit service requests for Building Control	Mar 2018			The online service for Building Control inspection requests now available online
11. Consistent presentation of online services	Jun 2018	Consistently presented online services which are easily found, user friendly and responsive to mobile devices		Consistency of online services have been addressed
12. Transact with suppliers electronically	August 2017 October 2017	Electronic Orders issued directly to suppliers in an accurate manner that enhances efficiencies of invoice payment process		E orders module now in place and rolled out. All departments have been trained to use e purchasing
13. Leisure services accessible online and Greenvale Leisure Centre functionality maintained from September 2017 Consistent advertising and booking opportunity for bookable activities across all facilities	Sep 2017 Sept 2018	Continuation of Greenvale Leisure Centre facility offering		Smooth transition of Greenvale Leisure Centre into Council management with Exerp system purchased.
14. Leisure services accessible online' Greenvale Leisure Centre, Meadowbank Sports Arena and Dungannon Leisure Centre	Sept 17	Consistent online leisure facility offering across all 3 leisure centres		Plan to make Greenvale Leisure Centre, Meadowbank Sports Arena and Dungannon Leisure Centre accessible has a live date of April 2018, Phase 2 will involve training for staff
15. Provision of mobile responsive tourism industry and customer related	Dec 2017 Dec 2017	The addition of an engaging tourism portal for tourism industry, visitors and		Industry Hub and Portal now live

28

digital platforms: • Provision of digital Tourism Industry HUB project • Provision of Tourism Local Information Portal • Provision of Tourism Visitor Information Portal Provision of Digital Carleton & Heaney trails	Dec 2017 Dec 2017 (Carleton) Dec 2018 (Heaney	citizens across mid ulster		
16. Provide work placement opportunities online	Mar 18	Consistent and online advertisement of work placement opportunities		Registered for Careers portal
17. Extend E-Tenders NI applications to all tenders	Sep 17	Consistent and online advertisement of tender opportunities		Now extended to all tenders
18. Conduct a review of SMART action plan for improving accessibility of online services	Mar 18	Fit for purpose prioritised plan		Review completed year 2 developed
19. *** Extension of Binovation App for citizens reporting dog fouling, graffiti and litter to Environmental Health	Nov 17	Extension of digital (24/7) ways to report to Council		In place

*** **New improvement activity added in Q3**

Improvement residents, businesses or visitors have seen throughout the year

Providing the platforms to support online applications is a, "must" for us as an organisation, as our customers increasingly expect "always on services". Residents, visitors and businesses will have access to a greater range of consistent and user-friendly online services, which will increase accessibility and availability 24/7, these now, include access to tenders on line for

businesses, a tourism portal with up-to-date information, on-line committee and council papers available through Council's website. Customers can utilise a self-service approach to pay, report, book and request services such as requests for Building Control inspections, enhanced on line dog licensing presence and awareness of accessing Building Notice and Regularisation applications on line, transact with our suppliers on line, citizens can pre-pay and account manage commercial waste disposal at identified Recycling Centres - Cookstown, Drumcoo and Magherafelt. The improvement objective and successfully completed actions has let members of the public interact with more of our services using the Internet at their convenience, even when we are closed.

Improvement Objective 4 – 8 Activities/Measures

5.4 To support people to adopt healthier lifestyles by increasing usage of Council Recreational facilities

"Yes people should be encouraged to use Council Recreational facilities; however people should also be encouraged to live healthier lifestyles at home in terms of exercise and eating habits. Programmes could be developed to encourage this for example with school children and community groups"

(Resident; Mid Ulster Councils Corporate Improvement Objectives Survey, May 2017)

Link to Community Plan Theme: *Health & Wellbeing*
We are better enabled to live longer healthier more active lives.

Link to Corporate Plan Theme: *Delivering for Our People*
High quality responsive indoor and outdoor recreational services with increased customer numbers and satisfaction.

Performance Improvement Aspects this improvement objective aims to deliver against?
Strategic Effectiveness, Service Quality, Service Availability, Fairness, Efficiency, Innovation

Lead Officer: *Director, Leisure & Outdoor Recreation*

Why have we chosen this Improvement Objective?

The important role that sport and physical activity plays and the availability of accessible, high quality sport and leisure programmes is recognised as enhancing the quality of life, health and well-being of our district's citizens. It is key to helping the council build strong and safe communities with active and healthy people. Participation is a major contributor to personal health and wellbeing with the potential to develop personal lifelong physical and social skills.

Locally, core wellbeing levels are below Northern Ireland averages and while 80% of the population rate their health as good (Northern Ireland wide those rating their health as good

30

stands at 79.5%), approximately 20% of the population have life limiting illnesses. In absolute terms, long-term health issues continue to exert pressure on communities, affect overall health outcomes and create challenges for the public services. Within our district, obesity rates in children and adults are increasing coupled with it being an area with the highest proportion of deaths due to circulatory diseases, pointing us towards a need to increase participation in local health and well-being programmes. Council wants to help people to adopt and continue to develop healthy lifestyles and is a pillar within the district's Community Plan We have chosen this objective based on what our local communities have told us, whilst taking into account our identified health inequalities within the district, accessibility opportunities and participation rates.

What have we done this year?

- A baseline of current health and well-being programmes has been completed by Council. Greater numbers have attended Council's Nine Sports Development Programmes during 2017/18, with 30,032 participants, as opposed to 17,200 during 2016 to 2017.

- Mid Ulster Council has continued to work with our Community Planning Partners, the Public Health Agency (PHA) and two health trusts (Northern and Southern Health and Social Care Trusts) to continue to roll out the 'Make a Change' programmes, which work with local unemployed people to help improve their physical activity, nutrition, mental health and wellbeing. The programme in 2017 to 2018 saw an increase in participant numbers over the previous year and new programmes are in place for 2018 to 2019.

- Audits of Leisure and Parks facility usage have been compiled (by facility and per programme), with trend data now available. Overall usage rates in Council's five Leisure Centres (Cookstown, Dungannon, Mid Ulster Sports Arena, Maghera, and Meadowbank) during 2017 to 2018 saw an increase in overall rates of 6%.

- Greenvale Leisure Centre reverted to the Council on 10 September 2017, in what has been described as a 'smooth transition', with close to 90 staff transferring across to the Council after the handover. The in year figures for overall usage for Greenvale Leisure Centre were 162,901 during 2017 to 2018.

- Council conducted Mystery Shopping visits in nine Leisure and Parks facilities during 2017 to 2018. The mystery shopping visits gauge customer satisfaction and experience by looking at Council staffs' product knowledge, the availability of goods and services, compliance to standards/procedures, staffs' behaviour and passion for the job! The average ratings across all sites has increased by 7% from last year's ratings scores, with a median score of 83% in 2017 to 2018. Customer Surveys have also been developed for Council leisure and parks facilities

- Much of the modern emphasis in sport and leisure businesses is on the customer. Satisfying customers is at the centre of notions of service quality. Council has reviewed its Leisure and Parks marketing approaches as a process of identifying customer needs, wants and wishes, and how these could be satisfied. Council's Sport and Leisure services and facilities depend on satisfied customers. Marketing involves creating appropriate goods and services and matching them to market requirements. Therefore, far from being just about selling, marketing is from the beginning an integral part of Council's revised approach to business process. We reviewed and developed our marketing plans to assess the needs and wants of potential customers; analysed the internal organisational and external market environments; segments within the market; re-positioned many of our Leisure and Parks product in the market through bespoke

31

Marketing Action plans for our centres, in order to secure an appropriate relationship with our customers.

- Key Capital development project proposals have been moved forward during the year, with components of Gortgonis Centre under development, remedial works being undertaken to Dungannon Leisure Centre and a business case prepared for the re-development of Railway Park in Dungannon. Play parks throughout the District are being re-furbished as part of the Rural Development Programme.

Progress Status Against Performance – 8 Activities/Measures – What we did?

What are we going to do?	Timescale	Outcome - What difference will it make?	Progress	Comments
1. Audit of planned Health & Wellbeing Programmes	Dec 2017	Increased participation and healthier lifestyles by greater numbers attending Health and Wellbeing programmes		Baseline of current Health & Well being programmes has been developed and a "Futures Plan" developed-now have monthly participant numbers from baseline of 17,200 to 33,202 at march 2018
2. Audit of facility usage: Audit footfall visitor numbers at facilities/events/ programmes & analysis of patterns of facility usage Identify opportunities to coordinate programming events/ attractions Appoint sales officer Audit of participation among traditional	March 2018	Increased participation and healthier lifestyles by greater numbers attending recreational facilities		Usage trends for year to date provides an overall increase of 2.4%. User comparative to baseline data (not including Greenvale) has been achieved at 1.63 million. Greenvale Leisure Centre transferred to Council management . Mystery visits compiled to march at facilities provides

underrepresented groups: Women and girls, People with a disability and those living in areas of greatest social need				an average of 83% an increase of 7%. New programmes are under development such as "Shred It" and "Family fun days". There was a delay in appointing a sales advisor. A customer survey has been developed for users has been undertaken at facilities
3. Review marketing Strategy	Jan 18	Increased participation and healthier lifestyles by greater numbers attending Health and Wellbeing programmes		Marketing review has been completed for leisure and a marketing action plan being developed. Parks marketing plan has been delayed
4. Development of proposals for Key Capital Projects including (I) Gortgonis (II) Dungannon Leisure Centre (III) Railway Park Establish programme of work for Key Capital Schemes including (I) Play Parks (II) Parks	March 2018 March 2019	Improved quality recreational facilities in MUDC		Programme of work established, Parks and Play strategy at draft stage – programme of actions will develop from this. Consultancy team has been appointed for Gortgonis and Dungannon Leisure Centre improvements and Consultancy team completing Dungannon Leisure Centre option study. Options for

				Railway Park under consideration by Management and Council
5. Improve accessibility of online services - Working with Corporate Improvement Objective 3 Group Review completed baseline of existing services provided online	March 2019 March 2018	Improved customer satisfaction by delivering efficient 24/7 online services		XN Leisure IT system has been installed, review of baseline of online services completed, on-line booking services to follow
6. Review, revise and report end of year project plan (year one) and revise year 2 implementation	April 2018	Implementation of developed project plan on target		Year 1 review report completed year 2 project plan in place
7. Establish Greenvale Leisure Centre under Council operation Organisation structure and process in place Roll out customer survey	Sept 2017 Sept 2018 March 2018	Implementation of developed project plan on target. Harmonisation of service standards.		Greenvale Leisure Centre under Council management from September 2017.
8. Strategy to provide direction to Parks, Play and Outdoor Recreation facilities and Programmes Strategy developed	Sept 2017 March 2018	Improved quality recreational facilities in MUDC and accessible for all sections of society.		Strategies are in draft format and action plans are pending strategy approval.

Improvement residents, businesses or visitors have seen throughout the year

An increase in Council leisure facilities provision with Greenvale under Council management, and improved planning for enhanced capital projects. Increased customer awareness of health, fitness and wellbeing programmes designed around our communities, targeted specific health inequalities and growing knowledge of how to increase physical activity and improve wellbeing.

34

6.0   COUNCIL's SELF – ASSESSMENT OF STATUTORY INDICATORS/ STANDARDS 2017 to 2018

6.1   Statutory Indicators/Standards (Set For Us)

In addition to the objectives and aligned improvement actions, the Council is using to measure its performance the Department for Communities (Previously the department of the Environment) has set performance measures (indicators and standards) for Council on which it annually reports. The progress/status update and self-assessment of how Mid Ulster performed against the statutory indicators in 2017/18 appears in this section, as well as over time from 2015/16 and 2016/17. Commentary on how the other 10 Councils performed in relation to their statutory targets is also included.

6.2   The Numbers of Jobs Promoted through Business Start Up Activity in 2017/18

The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out an economic development indicator and standard. The indicator (ED1) is the number of jobs promoted through business startup activity and each Council area has been designated standards (or targets) to be achieved each financial year, each Council has its own target (number of jobs promoted through start up activity) to achieve.

The current business start-up programme ('Go For It'), is part funded by Invest NI, the EU Investment for Growth and Jobs Fund, Invest NI and local councils and delivered by Local Enterprise Partners in Northern Ireland.

Go For It provides individuals who wish to start a business with free advice, guidance and capability to produce their own business plan. A business plan is a written document that describes your business. It covers objectives, strategies, sales, marketing and financial forecasts. A business plan helps to; clarify a business idea, spot potential problems, set out goals, measure progress and access finance to start and grow the business.

Until October 2017, this Programme was managed by Invest Northern Ireland and delivered by Local Enterprise Agencies; from 1 November 2016 to 1 September 2017, with Councils had their own interim programmes; from 1 Sept 2017.

The current NI Business Start Up Programme is managed by a lead Council (Lisburn & Castlereagh City Council) on behalf of the 11 Councils, and delivered by Enterprise NI (ENI) via Service Level Agreements (SLA's) with the Local Enterprise Agencies. The delivery, marketing and enquiry handling Contracts of the NIBSUP are 80% EU funded through the EU Growth and Jobs Fund and Invest NI and 20% through Councils. Councils also contribute towards the costs of programme management (lead: Lisburn) and MIS (lead Belfast) as these were deemed not eligible for EU funding.

The delivery agent (ENI) reports monthly to Lisburn & Castlereagh City Council (L&CCC) via the Management Information System (MIS) and uploads Plans to the system. L&CCC collate figures of approved Plans monthly and supply to Councils and the Department for the Economy. Plans are vouched at 20% by L&CCC; Councils review 4- 6 Plans monthly.

6.2.1   Northern Ireland Business Start Up (NIBSUP) - Activity

Department of Economy (DfE) / Invest Northern Ireland permitted Councils to use what was known as a "RSI conversion rate" (Plans - Jobs) of 0.75762 until 31/08/17. A lower conversion rate (of 0.6147) was then applied for the new NIBSUP (post 1/09/17). The reduced conversion rate effectively means that a higher number of Plans are required to achieve the same outputs (jobs promoted).

The year ending March 2017 saw 339 Plans delivered in Mid Ulster, promoting 256 jobs and exceeding the statutory target (122%); the year to March 2018 (i.e. with the lower conversion rate being applied post September 2017) saw 326 Plans delivered promoting 223 jobs (refer to figure 5,2,1). This still exceeded the statutory target (106%) but figures are lower due to the lower conversion rate and also the current relatively low level of unemployment in the region.

Nine other Councils during 2017/18 achieved the standard set by the The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. Two Councils reported that the business plan approvals by Council area had not achieved the standard/target, namely Derry and Strabane (figures stated that out of a target of 140 jobs, 139 were actually promoted - 99%) and Belfast reported a figure of 249 out of a target of 325 (or 77%).

Figure 6.2.1. – ED1 Self-Assessment of the Number of jobs promoted through business start up activity Mid Ulster District Council

Statutory Indicator	Standard/Target	Actual Standard Achieved 2015/16	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
ED1: The number of jobs Promoted through business start-up activity**.	210	250	256	223

***(Business start-up activity means the delivery of completed client led business plans under the Department for the Economy Regional start initiative or its successor programmes).**

6.3   Planning – Statutory Indicators

From the 8th of May 2016, Ministerial responsibility for planning transferred from the former Department of Environment to the new Department for Infrastructure following departmental re-organisation. The Planning Act (Northern Ireland) 2011 (the Act), sets out the legislative framework for development management in Northern Ireland and provides that from April 1st 2015, Councils now largely have responsibility for this planning function. Planning applications for development are categorised as being either major, or local determined by the Councils e.g.:

- Major development or (majority are multiple housing, commercial and government and civic type developments. They also have important economic, social and environmental implications).
- Local development (mostly residential and minor commercial applications received and determined).

The Department, three of which relate to planning, has set statutory targets (as outlined in the Local Government {Performance Indicators and Standards} Order {Northern Ireland} 2015). It is a statutory target for each Council that:

- P1 --Their major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.
- P2 - Their local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.
- P3 - That 70% of all enforcement cases dealt with by Councils are progressed to target conclusion within 39 weeks of receipt of complaints.

Council undertakes to carry out benchmarking with the other 10 Councils in Northern Ireland in relation to the statutory planning indicators and this is available in the section below. Council also conducts internal time series benchmarking with all the statutory indicators. These are available in the tables presented in the following sections. The number of planning applications received annually has generally been on the decline from its peak in 2004/5 up until 2013/14; with the numbers of applications since have been fairly table with small changes year on year. During 2017/18, 12,933 planning applications were received, a decrease of 0.8% on the previous financial year. Three quarters of the planning applications received in 2017/18 were for full planning permission (75. 9%), and 12,314 planning decisions were issued (refer to https://www.infrastructure-ni.gov.uk/system/files/publications/infrastructure/planning-statistics-2017-18-bulletin.pdf for further information).

In 2017/18, Mid Ulster District Council received the third highest amount of planning applications -after Belfast City (1,570) and Newry, Mourne and Down respectively (1,415), between them accounting for nearly half (47.4%) of all applications received across Northern Ireland. Mid Ulster Council issued the third highest amount of decisions (1,200) compared to Antrim and Newtownabbey which issued (720) decisions. Mid Ulster Council also achieved an approval rate of for all planning applications of (97.8%) ,the highest of all 11 Councils were the average is,(93.8%) to the lowest Newry, Mourne and Down of (88.2%).

6.3.1 Major Planning Applications

The number of major planning applications received in 2017/18 was 161. Mid Ulster in conjunction with Causeway Coast and Glens received (joint) second highest amount of applications (18) after Belfast (2). The average processing time for major applications to a decision or withdrawal was 50.2 weeks, down from 68.6 weeks reported in 2016/17.

During 2017/18 Mid Ulster Council reduced the average processing time from the previous year by 29.2% to 44.4% for the year (refer to figure 5.3.1). Mid-East Antrim met the processing time target (Mid East Antrim 29.0: 10), while Mid Ulster achieved (44.4 %: 18 applications), Newry, Mourne & Down's annual processing time for major applications was (127.6%: with 15 applications). Mid Ulster was well below the average annual processing of 50.2 weeks for all councils

Figure 6.3.1 – P1 Self-Assessment of The average processing time pf major planning applications Mid Ulster District Council

Statutory Indicator	Standard/Target	Actual Standard Achieved 2015/16	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
P1:- The average processing time of major planning applications**	Major applications processed from date valid to decision or withdrawal within an average of 30 weeks	52.3 weeks	73.6 weeks	44.4 weeks

** *An application in the category of major development within the meaning of Planning (Development Management regulations (NI) 2015(a)*

6.4 Local Planning Applications

The number of Local planning applications received in Northern Ireland during 2017/18 was 12,770 representing a decrease of 1.0% in 2016.17. Across Councils, Belfast City (1,788), Newry, Mourne & Down (1,562) and Mid Ulster (1,397) received the highest number of local applications during 2017/18. These Councils also received the highest number of applications the previous year.

The number of local planning applications decided in 2017/18 was 12.317 a decrease of 4.9% compared to a year earlier. Mid Ulster received the third highest number of local applications (1,189), after Belfast City (1,779) and Newry, Mourne and Down (1,597) during 2017/18.Mid Ulster Council was below the regional average for all councils of 15.2 weeks average processing time for local planning applications during 2017/18.

During 2017/18, Belfast City (1,779), Newry Mourne and Down (1,779) and Mid Ulster (1,189) issued the most local decisions across Councils. This in part reflected the high volumes received in these Councils. During 2017/18, the average processing time to bring local applications to decisions or withdrawal was 15.2 weeks, across all the councils, an improvement of 1.0 week on the average time taken in 2016/17.

Mid Ulster (14.4 weeks). along with four other Councils; Mid-East Antrim (9.6), Antrim and Newtownabbey (12.1) Fermanagh and Omagh (2.4) , and Armagh City, Banbridge and Craigavon (14.0); were within the 15 week statutory target, with the shortest processing time taken by Mid-East Antrim (9.6 weeks) , with Lisburn and Castlereagh having the longest processing times (21.6 weeks) and Causeway Coast and Glens (20.4 weeks). Performance has been the same for Mid Ulster Council for the past two years (refer to figure 5.4.1)

Figure 6.4.1 – P2 Self-Assessment of The average processing time for local planning applications Mid Ulster District Council.

Statutory Indicator	Standard/Target	Actual Standard Achieved 2015/16	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
P2: The average processing time for local planning applications**	Local applications processed from date valid to decision or withdrawn within an average of 15 weeks	15.2	14.4	14.4

** *Local applications means an application in the category of local development within the meaning of the Planning (development Management) Regulations (NI) 2015, and any other applications for approval or consent under the Planning Act (NI) 2011 (or any orders or regulations made under the Act*.

6.5 The percentage of planning enforcement case processed within 39 weeks.

The number of enforcement cases opened in 2017/18 was 3,304, a decrease of over 3% on the same period last year. Across the councils Belfast City (427), Ards and North Down (410) and Antrim and Newtownabbey (408) opened the largest number of cases during the year.

Across Northern Ireland, nearly four in every five (77%) enforcement cases were concluded within 39 weeks, 7 percentage points above the statutory 70% target but a decline of almost 4 percentage points on 2016/17 performance. Ten of the eleven councils met the target with a high of 94% concluded within 39 weeks in Antrim and Newtownabbey. Newry, Mourne and Down concluded 60% of cases within the target time.

Overall the annual Mid Ulster District Council figure is 82.1% which is well in exceedance of the statutory target (refer to figure 5.5.1). This is up on the annual figure from 2016/17, which was 79.1%. It is evident that there is an increase in performance overall which is a positive position given that there has been a reduction in enforcement resources since that period.

By the end of Quarter 4 in 2017/18 Mid Ulster has also exceeded the statutory target of 70%. It was down on the previous quarters and this can in part, can be explained, by the closure of a number of older cases.

Figure 6.5.1 P3 – Self Assessment of The percentage of planning enforcement cases processed within 39 weeks Mid Ulster District Council

Statutory Indicator	Standard/Target	Actual Standard Achieved 2015/16	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
P3 - : The percentage of planning enforcement cases processed within 39 weeks **	70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint	79%	79.1%	82.1%

39

** *Enforcement cases are investigations into alleged breaches of planning control under Part 5 of the Planning Act (NI) 2011 (or under and orders or regulations made under the Act.)*

6.6 Waste Management – Statutory Indicators

Waste can be defined as materials or products that are unwanted or have been discarded, rejected or abandoned. Waste includes materials or products that are recycled, converted to energy, or disposed. Materials and products that are reused (for their original purpose and without reprocessing) are not waste because they remain in use. Waste typically arises from three streams: Domestic and municipal—includes all household waste and waste collected in public places; commercial and industrial waste from all business and industrial activities and public institutions; and construction and demolition—includes all waste from the building and construction industry.

The key framework underpinning waste management policy and practice in the UK and Europe is the waste management hierarchy, which ranks the ways of dealing with waste in order of preferences. The waste management hierarchy ranks strategies in order of preference from avoiding the creation of waste as the most desired outcome, and disposal as the least desired outcome.

In February 2018, the UK government published 'A Green Future: Our 25 Year Plan to Improve the Environment', which sets out a vision for achieving specific goals across waste and recycling. The plan sets the ambitious targets of zero avoidable waste by 2050 and the elimination of avoidable plastic waste by 2042. The adoption of the European Union's circular economy package, which was enshrined into UK law in July 2018 reinforces the need to redouble efforts to achieve recycling targets. As a result of adopting this package, the UK is now obliged to reach a 55% municipal recycling rate by 2025.

Given this, and the ever-increasing drive for a more environmentally sustainable economy, it is more important than ever that local authorities, businesses, civil society and other stakeholders work together to improve the waste management by preventing, reusing and recycling waste. Failure to comply with emerging environmental standards risks the UK losing out on future trading opportunities; reducing its competitiveness and economic growth and risking further damage to our natural environment.

The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015, sets out three statutory indicators relating to waste, which local Councils use to demonstrate their waste functions performance, namely:

- **W1** - The percentage of household waste collected by district councils that is sent for recycling (including waste prepared for re-use)
- **W2** - The amount (tonnage) of biodegradable Local Authority Collected Municipal Waste that is landfilled
- **W3** - The Amount (tonnage) of Local Authority Collected Municipal Waste arisings.

During 2017 to 2018 Mid Ulster District Council achieved the highest household waste recycling rate (W1) of all eleven Councils. Exceeded 50% 2020 statutory target by 4.4%. For 2017/18 a 54.40% (or 40,096 tonnes) rate achieved 2.78% higher than 2016/17.

The Council utilised only 52.67% (or 10,077 tonnes) of the NILAS allocation in 2017/18 (tonnage) of biodegradable Local Authority Collected Municipal Waste that is landfilled (W2), compared to 73.38% in 2016/17, (despite the decreasing annual tonnage allocation). There was 4,769 tonnes less of Biodegradable Local Authority Collected Municipal Waste landfilled in 2017/18 compared to 2016/17 in Mid Ulster District Council area. Comparative data is not available with other Local Councils as the target is specific to Mid Ulster District (i.e. each Council is given a specific target by NIEA)

40

In 2017/18 there was a 3.4% decrease in Local Authority Collected Municipal Waste Arisings (W3) compared to 6.6% increase between 2015/16 and 2016/17. The Council had 2,840 tonnes less Local Authority Collected Municipal Waste Arisings in 2017/18 compared to 2016/17.

Figure 6.6.1 W1 – Self Assessment of The percentage of household waste collected by district councils that is sent for recycling Including waste prepared for re-use) Mid Ulster District Council

Statutory Indicator	Standard/Target	Actual Standard Achieved 2015/16	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
W1 - :The percentage of household waste collected by district councils that is sent for recycling (including waste prepared for reuse)*	NI Landfill Allowance Scheme (NILAS) 50% by 2020	49.7% (or tonnes)	51.6% (or 38,240 tonnes)	54.4% (or 40,096 tonnes)
W2 - : The amount (tonnage) of biodegradable Local Authority Collected Municipal Waste that is landfilled	NI Landfill Allowance Scheme (NILAS) 2017/18 19,131 tonnes	72.8% (or 15,530 tonnes)	73.38% (or 14,846 tonnes)	52.67% (or 10,077 tonnes)
W3 - :The amount (tonnage) of Local Authority Collected Municipal Waste arisings	No target set	77,562 tonnes	83,132 tonnes	79,993 tonnes

*   *Household waste is defined in Article 2 of the Waste and Contaminated Land (NI) Order 1997(a) and the Controlled Waste and Duty of Care Regulations (NI) 2013 (b)*

**   *Local Authority collected Municipal Waste is as defined in section 21 of the Waste Emissions Trading Act 2003(c)*.

****Local Authority collected municipal waste arisings is the total amount of local authority collected municipal waste which has been collected by a district council.*

7.0   COUNCIL's SELF – ASSESSMENT OF SELF IMPOSED INDICATORS/ STANDARDS 2017 to 2018

7.1   Performance Indicators/Standards that are Self-imposed (Set by Us)

As already outlined previously, Council is required statutorily to compare its performance for the 2017/18 year to that of previous years, legislation also requires Council, so far as reasonably practicable, to report their performance against other councils in the exercise of the same or similar functions. Without an agreed overarching Northern Ireland Local Government Performance Management Framework, this has not been possible in 2017/18.

During 2016/17, Council in the absence of an agreed region wide performance management framework, decided to concentrate on ensuring the data quality of three of its proposed "set by us" or "self-imposed" performance indicators; namely:

1. Prompt Payments
2. Freedom of Information Requests (FOI) Responded to within 20 days
3. Percentage lost time rate (sickness absence)

Performance measures including Freedom of Information Requests, Prompt Payments and Absence Information is used every day across the Council to help inform management decisions, plan services, benchmark performance and cost, and inform target setting. The three "set by us" indicators are also used in 2017 to 2018 to demonstrate internal time series benchmarking.

7.2 Mid Ulster District Council's Prompt Payments

The Council has set an indicator and associated standard as "set by us" within the Corporate Improvement Plan, in order to look at the effectiveness of Council's payment framework.

Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME's. Council recognises that late payments are a key issue for business, especially for smaller businesses as it can adversely affect their cash flow and jeopardises their ability to trade and we recognise that as a Public body we should set a strong example by paying promptly. This "set by us" indicator sits within the Community Plan theme of (1.1) Economic Growth – "We prosper in a stronger and more competitive economy". We as a Council and within partnerships will encourage continued support for micro and small medium sized enterprises across all sectors. Currently Council's performance in relation to Prompt Payments for 2015/16, 2016/17 and in year 2017/18 can be viewed on our website: http://www.midulstercouncil.org/Council/Performance/Prompt-Payments

The Department of the Environment also issues guidance on prompt payments and the recording of invoice payments (through Circular LG 19/2016 GUIDANCE ON PROMPT PAYMENTS). All public authorities are required to pay suppliers within 30 calendar days of receipt on an undisputed invoice and the circular also states that. .." Whenever possible, Central Government bodies should endeavour to make payments to suppliers within 10 days". The "Late Payment of Commercial Debts (interest) at 1988" binds public sector organisations, (as amended by the Late Payment of Commercial Debt Regulations 2001 (SI 1674) and Late Payment of Commercial Debt Regulation's (SI 395). By managing public money, requires Council to pay invoices accurately and on time to avoid late payment penalties [2], citizens are made aware of this through information supplied on Council's website.

[2] The statutory payment of interest and other compensation recovery costs and entitlements are not compulsory, it is for the supplier to decide whether or not to use the rights made available to it.

7.2.1 Mid Ulster District Council's Prompt Payments from 2016/17 to 2017/18 (% of invoices paid within 30 days).

Council introduced a new e-ordering system in to Council during 2017/18 and performance in 2017/18 averaged at 98% over the year. There were a total of 21,306 invoices received and a total of 19, 275 invoices paid within the 30 day target (or 98%) during 2017/18. This was well over Council's own target of achieving 90% payment within 30 days, however this dipped to 94% in the last quarter of 2017/18 due to the implementation of e ordering and difficulties with doing deliveries on the system.

There was a slight decrease from 99% (cumulative figure) achieved in 2016 to 2017 compared to 98% in 2017 to 2018 (refer to figures 7.2.1 and 7.2.2), there was a slight increase in the number of invoices received during 2017 to 2018 (21,306) from the previous year of (19,202).

Figure 7.2.1: Mid Ulster Distract Council's Prompt Payment (Invoices Paid within 30 days) Performance 2016/17 to 2017/18.
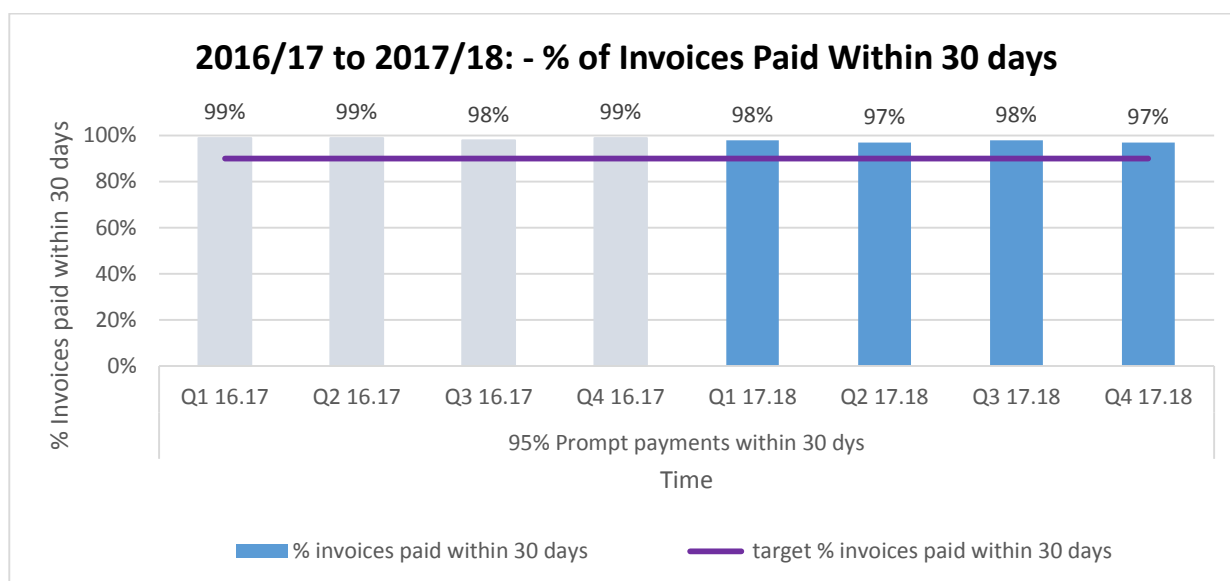

Figure 7.2.2   Self –Assessment of Prompt Payment (Invoices Paid within 30 days

Self -Imposed Indicator	Standard/Target	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
% of invoices paid within 30 days	95%	99%	98%

7.3   Mid Ulster District Council's Freedom of Information Requests.
The Council has set an indicator and associated standard as "set by us" within the Corporate Improvement Plan to measure business efficiencies in processing information requests, made under the Freedom of Information Act 2000 [1]. The Council must respond to requestors making such requests within 20 working days of receiving them, (a target of 90% of information requests being responded to with 20 days has been set by Council). The indicator whilst only measuring a single routine business activity, it will nonetheless give an indication of its responsiveness to customers and effectiveness of its corporate processes. The MUDC Publication Scheme lists the range of information we proactively make available without the need for specific FOI requests. It also gives details of how the information can be obtained and any charges. An outcome for citizens in relation to FOI indicator and standard makes it easier for members of the public to get information about the Council (is an accepted part of the democratic landscape).[1] Full text of the FOI Act: www.legislation.gov.uk/ukpga/2000/36/contents

The measure is needed to ensure that Council meets its statutory obligations and customer requests are met within a specified timeframes. Ensures that the Council is potentially locked into a positive cycle of use, learning and improvement, in which the request process and appeal system improve and the exemptions are clarified through interpretation. An outcome for citizens in relation to FOI indicator and

43

standard makes it easier (regarding transparency) for members of the public to get information about the Council in a timely manner.

7.3.1 Mid Ulster District Council's Freedom of Information Request from 2016/17 to 2017/18

The Council has set a target of 90% of information requests are responded to within 20 days. Delivery of target during 2017 to 2018, has been aided with introduction of the Customer Relationship Management System (CRM) to manage FOI requests processed in year. This has allowed the attainment to be maintained but not improved on last year.

Although the challenging target was not achieved at year-end. it was maintained on the previous year's attainment (refer to figures 6.3.1 and 6.3.2) . The number of requests remain high for an authority the size of Mid Ulster DC and the attainment of 83%, should be considered in the context of 344 requests being responded to within target. The use of the CRM has identified blockages in some business areas and the services, which need greater attention throughout 2018-19 to improve their Service area response rate.

Achievement of the target when compared with 2016-17 and the number of requests received have relatively remained the same. It is though noted there has been a 54% increase in the number received from 2015-16.

Figure 7.3.1   Mid Ulster District Council's FOI Requests Responded to within 20 days 2016/17 to 2017/18
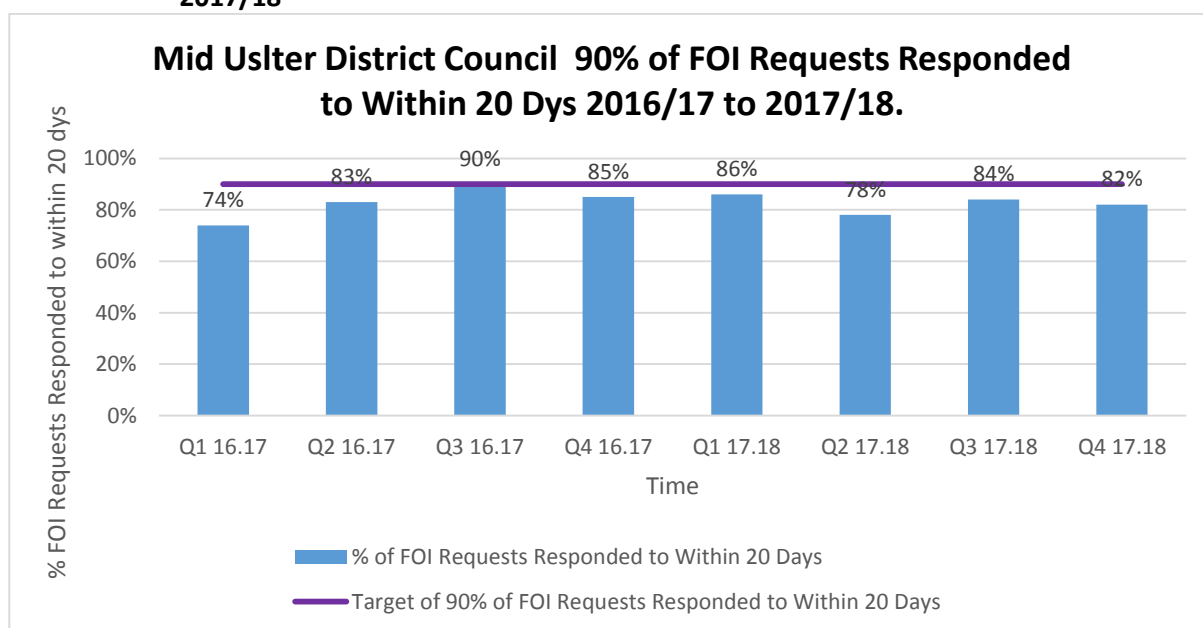
Figure 7.3.2   Self-Assessment of the % of FOI requests responded to within 20 days

Self -Imposed Indicator	Standard/Target	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18

7.4   Mid Ulster District Council's Percentage Lost Time rate

44

% of FOI Requests Responded to Within 20 Days	90%		83%	82.5%

The Council has set an indicator and associated standard as "set by us" within the Corporate Improvement Plan, in order to look at the effectiveness of the HR function in terms of impact on the overall levels of sickness absence in the organisation through the development of processes and procedures, and training for managers. As an organisation we should aim to reduce the number of days lost through sickness absence over time.

The Chartered Institute Of Personnel Management[1] state that tightened policies for reviewing attendance and improved absence monitoring are, by some degree, identified as the two of the most important reasons behind reductions in absence levels. Policies and procedures if carefully considered and adapted can positively impact on the prevention of illness, management and recovery of employees within the workplace. Policies mean that practices become more formalised and hence controllable. The purpose of absence policies is to ensure compliance with legislation and those employees and managers know their basic rights, and those of the people they manage.

An outcome for citizens in relation to Lost Time Rate indicator and standard is that Sickness absence in the public sector is widely regarded as being a significant cost to councils. This indicator is important because it allows councils to compare these rates and establishes which councils are dealing effectively with this issue.

In 2015/16, we set an internal performance indicator of achieving a target absence (loss time rate) of 5% or less for, this target continued into 2016/17 and 2017/18. The indicator has been tracked since 2015/16 and as a new Council; Organisational Development (OD) had to deal with three distinct data information sets, policies, processes and procedures in relation to collecting, collating, managing and reporting absence/attendance performance data/information. During the 2016/17 year, a lot of concentrated effort was made to bring together the legacy councils absence information in order to set about a fit for purpose, robust bespoke policy and process/framework for the new Council.

[1] **Chartered Institute of Personnel Development (2007)** Measuring, Reporting and Costing Absence**. CIPD**

7.4.1 Mid Ulster District Council's Lost Time Rate Due to Sickness Absence (5% or less p.a.) from 2016/17 to 2017/18

The cumulative Percentage Loss Rate for the period 1 April 2017 – 31 March 2018 was 4.71%; 0.29% below the target rate of 5% set by Council. For the same period last in 2016/17, the cumulative Percentage Loss Rate was 6.07%. Overall, the Percentage Loss Rate has decreased 1.36% from the previous year.

A total of 8,816 days were lost due to sickness absence during 17/18. During this 12-month period, 106 employees were absent due to long-term sickness absence (long term absence is classified as a continuous period of 20 or more day's sickness absence). Long-term sickness absence has reduced considerably compared to 124 in 16/17. The reduction of long-term sickness absence was a key focus in 16/17 and levels of long terms sick remained stable in 17/18 as employees were managed effectively through Occupational health (OH) referrals, regular meetings/capability reviews and communication with HR & Line Managers and reasonable adjustments made where appropriate.

During Quarter 4 2017/18 there was a further increase of 0.84% from Quarter 3, this was due to increase in the "flu" related absences, which spiked in January 2018. There were 158 periods of sickness absence; due to infections in 2016/17 this increased significantly in 2017/18 to 236.

7.4.1   Mid Ulster District Council's % Lost Time Rate (Absence) from April 2016 to March 2018


Mid Ulster District Council % Lost Time Rate (LTR) Absence - from April 2016 to March 2018
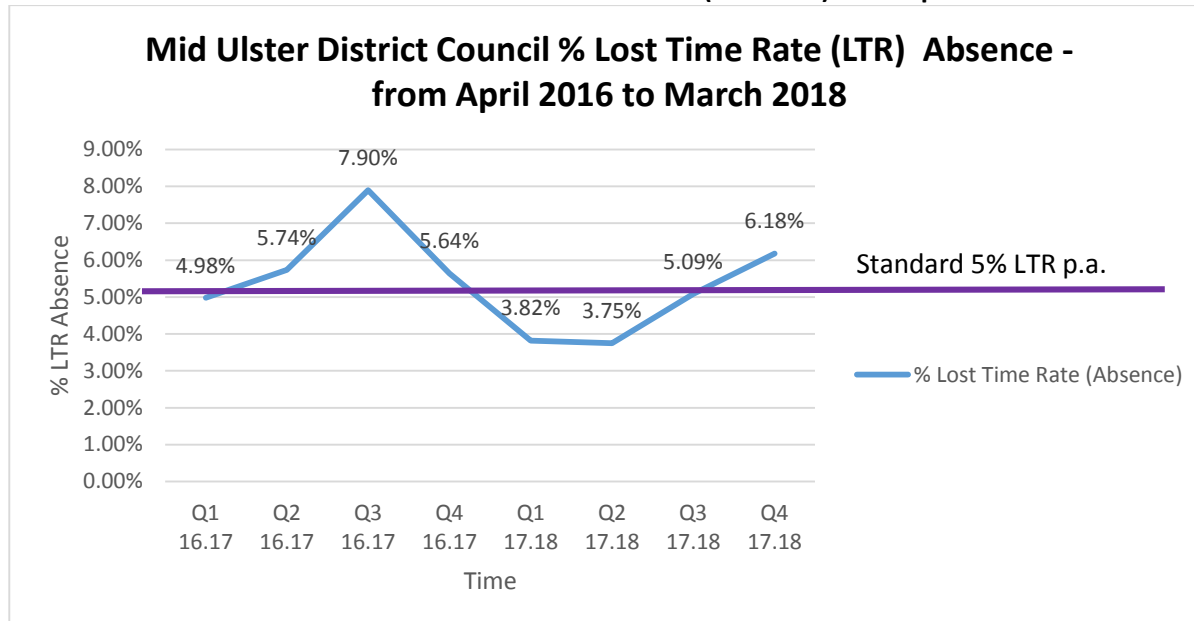
Figure 7.4.2   Self-Assessment of the % of Lost Time Rate (Absence)

Self -Imposed Indicator	Standard/Target	Actual Standard Achieved 2016/17	Actual Standard Achieved 2017/18
% Lost Time Rate Absence	=< 5% p.a.	6.07%	4.71%

8.0   OVERALL ASSESSMENT FOR 2017 to 2018

Overall Assessment for 2017-18

Significant progress was made in 2017-18 to not only make arrangements to secure continuous improvement in the exercise of council's functions as required by the Act but activities and associated programmes of work have also been completed to deliver improvements on how services are accessed and delivered throughout the district.

Arrangements to secure continuous improvement have been made and become embedded within council internal processes. Achievements have been made across council service areas with the delivery of activities stemming from the council's 2017-18 to 2018-19 Improvement Objectives for the benefit of those receiving its services.

46

All project managed improvement activities/measures (year end there were 49 in total), which have contributed towards the fulfilment of the council's 2017-18 Improvement Objectives, have been achieved to varying levels of progress with the majority (100%) being Fully Achieved/Substantially Achieved. Council has also made significant improvements in its self-imposed indicator set and has been able to reduce the amount of absenteeism to under its target of 5% within the space of 2 years, while our prompt payment performance exceeds the target for a second year in a row. The Freedom of Information indicator has remains steady in its second year against significant rises in the volume of FOI requests to Council.

The Council has also excelled in the delivery of its Statutory Performance Indicators during its third year as a new local authority for the benefit of Mid Ulster District. The Council has promoted 223 jobs going above its target of 210, is one of the top performing councils in the management of its waste against targets set and continues to establish the Planning function within the district for customers, making significant achievements on targets set for it.

9.0   HAVE YOUR SAY

We welcome your comments or suggestions at any time of year

Mid Ulster District Council is committed to improving its services and is keen to hear from the community on what it has to say. We welcome your comments or suggestions at any time of the year. There are a number of ways in which to influence Council decision making.

You can get involved and participate in consultations being conducted by, or on behalf of the Council. Meetings of the Council and its Committees are open to the public, with the exception of those times when sensitive or confidential issues need to be discussed.

If you have any comments, would like any further information, or would like a copy of this plan in an a alternative format please contact

Democratic Services Team
Council Offices
Circular Road
Dungannon BT71 6DT

Telephone: 03000 132 132

Email: info@midulstercouncil.org

Report on	Data Handling Policy Policy on Recruitment of Ex-Offenders Dignity at Work Policy
Date of Meeting	6th September 2018
Reporting Officer	Marissa Canavan, Director of Organisational Development
Contact Officer	Sinead McAleer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	**Purpose of Report**
1.1	To inform members of revised policies (Data Handling Policy & Recruitment of Ex-Offenders) To inform members of new policy (Dignity at Work) & seeking members' approval of these policies.
2.0	**Background**
2.1	Three policies for consideration. The Data Handling Policy (Access NI) & the Policy on the Recruitment of Ex-Offenders have been revised in light of new GDPR regulations. Both these policies are model templates. The Dignity at Work is a new policy. All 3 policies have been considered by the H.R. Policy Working group and unions have been consulted.
3.0	**Main Report**
3.1	The aim of the Data Handling Policy (Access NI) is to ensure Mid Ulster District Council complies fully with Access NI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure Applications and Disclosure Information & with its obligations under Data Protection Act 2018 & other relevant legislative requirements with regard to the safe handling, storage, retention and disposal of Disclosure information. The aim of the Policy on the Recruitment of Ex-Offenders is to ensure Mid Ulster District Council undertakes to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information received.

	The aim of the Dignity at Work Policy is to prevent harassment and bullying in the workplace, provide guidance to resolve any problems should it occur and prevent recurrence.	
4.0	**Other Considerations**	
4.1	**Financial, Human Resources & Risk Implications**	
	Financial:	
	Human:	
	Risk Management:	
4.2	**Screening & Impact Assessments**	
	Equality & Good Relations Implications: N/A	
	Rural Needs Implications: N/A	
5.0	**Recommendation(s)**	
5.1	For approval	
6.0	**Documents Attached & References**	
	Data Handling Policy (Access NI) Policy on Recruitment of Ex-Offenders Dignity at Work Policy	

DATA HANDLING POLICY(Access NI)
Safety & Security of Information

Document Control			
Policy / Procedure Owner (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, O.D. Directorate, Mid Ulster District Council		
Policy/ Procedure Author (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, O.D. Directorate, Mid Ulster District Councl		
Version	v1.2		
Consultation	Senior Management Team Yes Trade Unions Yes		
Equality Screened by	Sinead McAleer	**Date**	31/1/18
Equality Impact Assessment	No	**Date**	
Approved By	Policy & Resources Committee	**Date**	6/9/18
Adopted By	Council	**Date**	27/9/18
Review Date		**By Whom**	
Circulation	Mid Ulster DC staff		
Document Linkages	LGSC Code of Procedures on Recruitment & Selection Data Protection Policy Policy on the Recruitment of Ex-Offenders Child Protection Policy (under review) Safeguarding Adults Policy(under review) Data Retention & Disposal Policy (under review)		

CONTENTS PAGE

1.0   INTRODUCTION

As an organisation using Access NI to help access the suitability of applicants for positions of trust, Mid Ulster District Council complies fully with Access NI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure Applications and Disclosure information.

The Council also complies fully with obligations under the Data Protection Act 2018 and other relevant legislative requirements with regard to the safe handling, storage, retention and disposal of Disclosure Information.

2.0   CONSENT

As Mid Ulster District Council no longer receives a copy certificate from AccessNI, written consent will be obtained from the applicant when requesting a (copy of a) Disclosure certificate.

3.0   STORAGE & ACCESS

Disclosure information is to be kept securely in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

4.0.   HANDLING

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.

Mid Ulster District Council shall maintain a record of all those to whom Disclosures or Disclosure information has been revealed. The Council recognises it is a criminal offence to pass this information to anyone who is not entitled to receive it.

5.0   USAGE

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6.0   RETENTION

Once a recruitment (or other relevant appointment, regulatory or licensing) decision has been taken, the Council does not keep Disclosure information for any longer than is necessary. The Council shall comply with Access NI's Code of Practice requirement to ensure that all Disclosure certificates will be destroyed once a decision, recruitment or otherwise has been made and will be retained no longer than six months from the date of issue.

7.0   DISPOSAL

Once the retention period has elapsed, Mid Ulster District Council will ensure that any Disclosure information is immediately destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptable (e.g. waste-bin or confidential sack). The Council will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non-conviction information supplied by police. However, despite the above, the Council may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the Access NI unique reference number of the Disclosure Certificate and the details of the recruitment decision.

8.0   MONITORING & REVIEW

This policy will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation and Access NI's Code of Practice.

POLICY ON THE RECRUITMENT OF EX-OFFENDERS

Document Control			
Policy / Procedure Owner (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, O.D. Directorate, Mid Ulster District Council		
Policy/ Procedure Author (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, O.D. Directorate, Mid Ulster District Council		
Version	v1.2		
Consultation	Senior Management Team Yes Trade Unions Yes		
Equality Screened by	S McAleer	**Date**	31/1/18
Equality Impact Assessment	No	**Date**	
Approved By	Policy & Resources Committee	**Date**	6/9/18
Adopted By	Council	**Date**	27/9/18
Review Date	November 2018	**By Whom**	
Circulation	Mid Ulster DC staff		
Document Linkages	LGSC Code of Procedures on Recruitment & Selection Equal Opportunities Policy Data Handling (AccessNI) Policy Child Protection Policy (under review) Safeguarding Adults Policy (under review) Data Protection Policy Data Retention & Disposal Policy (under review)		

1

CONTENTS PAGE

1.0   POLICY STATEMENT

Mid Ulster District Council complies fully with the Code of Practice, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Access NI under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes.
Mid Ulster District Council undertakes to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.

2.0   CONTEXT

This policy will be made available to all Disclosure applicants at the outset of the recruitment process.

3.0.   AIMS & OBJECTIVES

Mid Ulster District Council is committed to equality of opportunity (see Council's separate Equal Opportunities Policy) to following practices, and to providing a service which is free from unfair and unlawful discrimination. The Council seeks to ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status or family status, race*, colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, religious belief or political opinion, trade union membership or non-membership or criminal record**.

*The word race is to be understood, in line with the Race Relations (NI) Order, to include colour, race, nationality or ethnic or national origins.

**Criminal record will be seen in light of his/her overall application, ability to do the job and responsibility of an employer for the care of other employees and service users. Only offences relevant to the post in question will be considered.

4.0.   GENERAL PRINCIPLES

Mid Ulster District Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The selection process will be based on the required standard of skills, competencies, qualifications and experience as outlined in the essential and desirable criteria included in the person specification for the post.

5.0   ROLES & RESPONSIBILITIES

Mid Ulster District Council will request an AccessNI Disclosure only where this is

considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is required for the position. Where an AccessNI Disclosure is deemed necessary for a post or position, all applicants will be made aware at the intitial recruitment stage that the position will be subject to a Disclosure check and that the Council will request the candidate recommended for appointment to undergo an appropriate AccessNI Disclosure check.

In line with the Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979 (as amended in 2014), Mid Ulster District Council will only ask about convictions which are defined as 'not protected' for the purposes of obtaining a Standard or Enhanced disclosure.

The Council undertakes to ensure an open, measured and documented discussion with the applicant on the subject of any offences and other matters that might be considered relevant for the position concerned e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.

Mid Ulster District Council may also consider discussing with the applicant any matter revealed in a Disclosure Certificate, which is not relevant to the position. The Council is only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by the police.

The Human Resources Department will ensure that all those in Mid Ulster District Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. The Human Resources Department will also ensure that those staff have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. Rehabilitation of Offenders (Northern Ireland) Order 1978).

The Council will undertake to make every subject of an AccessNI Disclosure aware of the existence of the AccessNI's Code of Practice, and to make a copy available on request.

The Council also complies fully with obligations under the Data Protection Act 2018 and other relevant legislative requirements with regard to the safe handling, storage, retention and disposal of Disclosure Information.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH MID ULSTER DISTRICT COUNCIL. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES OR OTHER INFORMATION CONTAINED ON A DISCLOSURE CERTIFICATE OR PROVIDED DIRECTLY TO THE COUNCIL BY THE POLICE.

6.0 Monitoring and Review

This policy will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation and Access NI's Code of Practice.

5

DIGNITY AT WORK POLICY & PROCEDURE

Document Control			
Policy / Procedure Owner (name, role & section)	Sinead McAleer, Organisational Development Directorate		
Policy/ Procedure Author (name, role & section)	Sinead McAleer, Organisational Development Directorate		
Version	v1.5		
Consultation	Senior Management Team Yes / No Labour Relations Agency **Yes** Equality Commission **Yes** Trade Unions Yes / No		
Procedure agreed by Trade Unions	Yes / No		
Equality Screened by		**Date**	
Equality Impact Assessment		**Date**	
Approved By	Policy & Resources Committee	**Date**	6/9/18
Adopted By	Council	**Date**	27/9/18
Review Date		**By Whom**	
Circulation	Mid Ulster DC staff		
Document Linkages	Grievance Procedure Customer Care Policy Disciplinary Procedure Employee Code of Conduct Equal Opportunities Policy Social Media Policy Policy on Retention & Disposal of Documents L.R.A. Code of Practice on Disciplinary & Grievance Procedure L.R.A Joint Declaration of Protection – Dignity at Work and Inclusive Working Environment LRA Advice on Conducting an Employment Investigation		

CONTENTS PAGE

1.0 INTRODUCTION

Mid Ulster District Council is an equal opportunities employer. The Council is fully committed to promoting a good and harmonious working environment where every employee is treated with dignity and respect and in which no worker feels threatened or intimidated because of a protected characteristic such as:- sex, marital or civil partnership status, racial group, age, pregnancy or maternity, religious or similar philosophical belief, sexual orientation, gender reassignment, political opinion or disability and persons with or without dependants. There is also protection for employees against harassment on the basis of their membership or non-membership of a trade union.

2.0 CONTEXT

This policy covers harassment. Bullying which is not related to a protected characteristic (as outlined at 1.0 above) is also covered. The policy is compliant with current legislation and reflects the provisions of the law relating to Section 75 groupings.

This policy provides staff with:-

- Procedures to follow if they feel they have been victims of harassment/bullying
- Information on support given by Council
- Responsibilities of Council, Management & Employees

3.0 OBJECTIVE

The aim of this policy and the accompanying procedure is to prevent harassment and bullying in the workplace, provide guidance to resolve any problems should it occur and prevent recurrence.

4.0 SCOPE OF PROCEDURE

Harassment is inappropriate behaviour at work and will be treated by the Council as misconduct which may include gross misconduct warranting dismissal. All employees must comply with this policy. The term employee or member of staff of the Council should be read in this document to include any permanent, temporary, fixed term or secondee to the Council. This Policy and Procedure will also apply to seasonal and casual staff, agency workers, placement students and contractors while engaged in carrying out duties for the Council.

Employees are expected to be courteous, respectful and inclusive in their conduct towards each other and with customers, as described in Council's Employee Code of Conduct (including when using social media). Harassment and bullying at work in any

form is unacceptable behaviour and will not be permitted or accepted. Harassment is unlawful under the various anti-discrimination statutes currently in operation in Northern Ireland, along with other statutes that may be used to outlaw bullying in the workplace. It may be a civil offence or a criminal offence and it may also contravene health and safety legislation.

The Council also expects those using its facilities and services to treat its employees with dignity and respect. Any complaints of alleged harassment or bullying of employees by members of the public will be investigated and the appropriate action taken in accordance with this policy.

5.0 DEFINITION OF HARASSMENT & BULLYING

What is Harassment?

Harassment is unwanted conduct related to the equality grounds which damages, or which is done with the aim of damaging, a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Many forms of misbehaviour may amount to harassment; examples include:

- Physical conduct such as assaulting a person or making obscene gestures.

- Verbal conduct such as making racist, sexist, sectarian or homophobic remarks; making derogatory comments about a person's age or disability; or singing songs of this nature.

- Visual or written material containing racist, sexist, sectarian, homophobic or other derogatory words or pictures (e.g. in posters, graffiti, letters or emails).

- Isolating a person (e.g. "sending them to Coventry") or refusing to co-operate or help them at work or by excluding them from work-related social activities.

- Forcing a person to offer sexual favours or to take part in religious or political activities.

- On-line harassment, posting offensive comments, photos or video clips on social media about an individual(s) based on a protected characteristic as described in 1.0 above. Employees are reminded that offensive on-line postings on social media platforms (e.g. with friends) are not private and can be copied and circulated by others, beyond the control of the original poster and may be considered as cyber harassment by the recipient(s).

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

What is Bullying?

Bullying is similar to harassment in the sense that it too is offensive, hostile, persistent, abusive, intimidating, malicious or insulting behavior, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress. Persistent and unreasonable criticism and unreasonable demands and impossible targets are also forms of bullying. Bullying is an abuse of power and is largely defined, not by intention, but by the impact of the behavior on the recipient. It often involves a person in authority abusing their position and bullying their subordinates. However, an individual may also bully a peer and groups of people may pick on and bully an individual.

The main difference is that bullying behaviour need not be related to the equality grounds, but may be done for other reasons, such as jealousy or personal dislike or revenge or insecurity.

Implications of Harassment & Bullying

Harassment and bullying can damage the health, confidence, morale and performance of employees who are affected by it. Harassment is unlawful under the equality laws. Harassment and bullying may also be civil or criminal offences and may contravene health and safety law.

Quite apart from the legal implications, both harassment and bullying are contrary to the standards of behaviour that we expect of our employees (See Employee's Code of Conduct). Both types of behaviour are unacceptable in our workplace and are not permitted or condoned. We will treat such behaviour as misconduct which may warrant dismissal from employment.

It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

6.0 EMPLOYEES' RIGHTS

The Council recognises the right of all employees to work in a good and harmonious environment that is free from harassment and bullying and to complain about such behaviour should it occur.

The Council's specific Procedure to deal with such complaints is detailed in Sections 14.0-16.0 and we would encourage aggrieved employees to use it. All complaints will be dealt with seriously, promptly and confidentially.

Employees who make complaints, and others who give evidence or information in connection with such complaints, will not be victimised (i.e. they will not be discriminated against, harassed or bullied in retaliation for their actions). Victimisation is also discriminatory contrary to the equality laws and this policy. The Council will treat victimisation as misconduct which may warrant dismissal from employment.

7.0 THE COUNCIL'S RESPONSIBILITIES

The Council will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with all complaints of harassment or bullying. Additional external expertise may be required to deal with specific complaints e.g. ICT/social media related.

This policy and procedure will be communicated effectively to all employees and the Council will ensure that employees, managers and supervisors are aware of their responsibilities. Appropriate training will be provided including Policy Briefing and at Employee Induction. The policy will be posted on the intranet and available in hard copy in each section.

The Council will promote a positive culture of inclusion and respect for diversity by incorporating the Council's 'Principles of Employee's Code of Conduct' statement which it displays in its public buildings.

Individuals will be identified to provide advice and assistance to employees who are subject to harassment or bullying. The name of these Designated Confidential Advisors will be made known to all employees. The Council will ensure, where possible, that employees can raise complaints, should they wish, with someone of their own gender, religion or race, or who is aware of and sensitive to disability or sexual orientation issues. All complaints of harassment will be dealt with promptly, seriously and confidentially. All incidents of harassment and bullying will be monitored and the effectiveness of this policy will be reviewed periodically.

Designated Confidential Advisors, Managers and Supervisors and Trade Union representatives who play an official role in any formal complaints procedure will receive appropriate training, including 'Investigation of Complaints' training so that they can perform their roles sensitively and effectively. The Labour Relations Agency has produced an advisory guide on "Conducting an Employment Investigation" (issued February 2016). The Investigating Officer must familiarise themselves with the contents of this advisory guide in advance of the commencement of any employment investigation.

8.0 EMPLOYEES' RESPONSIBILITIES

All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected. Everyone must comply with this

policy and employees should ensure that their behaviour towards colleagues and the public does not cause offence and could not in any way be considered to be harassment or bullying.

Employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. They should alert a Manager/ Supervisor or Confidential Advisor to any incident of harassment or bullying to enable the Council to deal with the matter.

Where the employee identifies that there is an immediate threat to their personal security, this should be reported to the PSNI and to Council's Management immediately.

9.0 LINE MANAGERS' RESPONSIBILITIES

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in areas for which they are responsible. Managers and supervisors have responsibility for any incidents of harassment or bullying of which they are aware or ought to be aware.

Acceptable behaviour by a manager includes such actions as:-

- Encouraging an employee to perform against key objectives.
- Encouraging an employee to adhere to the Council's Code of Conduct for Employees.
- Taking action within the scope of the Council's disciplinary procedure or other formal management procedure of the Council.
- Be able to issue reasonable instructions and expect them to be carried out

Acceptable management behaviour does not include the use of authority or position to bully, abuse or harass others, or to act in an overbearing or intimidating way towards an employee.

If an employee complains of harassment or bullying, managers and supervisors must effectively deal with the situation by:-

(i) Explaining the Council's policy to their staff and take steps to positively promote awareness of the procedure for dealing with complaints and ensure that each member of staff has been given a copy.
(ii) Being responsive and supportive to any employee who makes an allegation of harassment or bullying, provide full and clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure there is no further problem of harassment or victimisation after a complaint has been resolved.
(iii) Setting a good example by treating all staff and the public with dignity and respect.
(iv) Being alert to unacceptable behaviour and take appropriate action to stop it.

(v) Ensuring that staff know how to raise harassment or bullying complaints.

10.0 ASSISTANCE FOR STAFF WHO FEEL THEY HAVE BEEN HARASSED OR BULLIED

The Council recognises that in certain cases victims may feel isolated, vulnerable, or too embarrassed to raise their concerns directly with management. The Council will appoint Designated Confidential Advisors who are able to assist and advise employees who may wish to pursue a complaint. Alternatively staff my consult with their Trade Union Representative.

The role of a Designated Confidential Advisor is to:

- Act as a point of contact for employees who feel they have a complaint
- Listen to the complaint and advise on the options available for resolving the matter
- Assist individuals with the informal resolution of complaints
- Support the employee in lodging and progressing the complaint, if they so wish.

If the alleged harasser asks for assistance it may be appropriate to assign an advisor to act as a source of information and advice. This role may include providing information about the disciplinary procedure and forwarding documentation as necessary but should not extend to acting as an advocate, nor assisting the alleged harasser in the preparation of a defence.

The names of the Designated Confidential Advisors and Trade Union Representative will be communicated to all staff; (see Appendix 2).

Appropriate training will be provided to Designated Confidential Advisors and Trade Union Representatives.

11. PROCEDURE FOR DEALING WITH COMPLAINTS UNDER THIS POLICY

Any employee who believes that he/she has suffered any form of harassment or bullying is entitled to raise the matter through this procedure.

This procedure does not replace or detract from his/her statutory rights under relevant anti-discrimination or anti-bullying legislation.

If there is an occasion where a complaint is later deemed to be frivolous or mischievous then the Council reserves the right to deal with this through appropriate disciplinary procedures.

12. CONFIDENTIALITY

Complaints of harassment or bullying may include allegations of a highly sensitive nature and the release of such information could be damaging to the reputations of complainants or alleged harassers.

It is vital that employees who may wish to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally an employee who is accused of harassment or bullying is entitled to the same protection of his/her reputation, particularly should a complaint prove to be unfounded.

At all stages of the procedure, staff involved in any way with a complaint shall be personally responsible not to disclose any details of the complaint to any person who does not have a proper interest in this matter. Failure to ensure this high level of confidentiality may lead to appropriate disciplinary action.

13. MEDIATION

The Council shall consider mediation at every appropriate stage of the procedure. A key benefit of mediation is that it helps to improve relationships between employees and reduces the stress involved in more formal processes in respect to conflict management.

Participation in mediation will be subject to the agreement of all the parties to the process.

Independent mediation may be available in the form of trained mediators held by bodies such as the Labour Relations Agency. Support (counselling) can be provided through Westfield Health/Independent Counsellor to anyone involved in a complaint or who may be contemplating this action. Further information on mediation can be obtained from the Labour Relations Agency:- www.lra.org.uk or tel:- 028 90 321442 or 028 71 269639

The Council recognises that mediation may not be appropriate in every circumstance.

14. THE INFORMAL STAGE

Employees should be able to discuss problems and misunderstandings with Line Managers or, if appropriate, another member of management or with a Designated Confidential Advisor or H.R. representative and therefore resolve any issues relating to bullying or harassment as early as possible and informally.

In the interests of good management practice, managers are required to hold regular monthly team meetings/one to ones with their staff. This should encourage more open communication between management and staff and hence should any issues of

9

bullying/harassment occur, they may be dealt with more quickly and informally. The informal stage is appropriate where the employee simply wants the harassment or bullying to stop, or where it has not been repeated.

Should an employee seek to bring a complaint in the first instance to someone of their own religion, gender or race, or who is aware of disability issues, Council will endeavour to accommodate this request.

Employees can seek to resolve matters informally by:

- Approaching the alleged harasser or bully directly making it clear to the person(s) harassing the employee that the behaviour in question is offensive, is not welcome and should be stopped.
- Approaching the alleged harasser or bully with the support of a trade union representative, a lay trade union official or a work colleague
- Approaching the alleged harasser or bully with the support of a supervisor/manager or Designated Confidential Advisor.

If it is too difficult or embarrassing to do this personally, employees may request a supervisor, manager or designated advisor to approach the alleged harasser or bully on his/her behalf.

Where an employee seeks the support of a line manager s/he will be sensitively informed that their role at the informal stage can only be one of support or assistance.

The employee will be advised that:

(i) a formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.
(ii) a written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

All reported incidents of harassment or bullying will be monitored and written records retained for a period of the current calendar year plus 2 years in accordance with Council's Disposal & Retention of Documents policy. In the event of any patterns emerging management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. Additionally there may be situations where the seriousness of a complaint warrants formal proceedings irrespective of the wishes of the complainant.

15.   THE FORMAL STAGE

Should the employee believe the harassment or bullying is of a sufficiently serious nature, if the person making the complaint prefers this, or if the unwanted and unreasonable conduct continues after the informal procedures have been used, the employee may seek to move to the Formal procedure.

Individuals may raise complaints with their Line Manager or, if appropriate, another member of management or with a Designated Confidential Advisor or H.R. representative. Where possible, employees will be able to bring a complaint in the first instance to someone of their own religion, gender or race, or who is aware of disability issues.

Managers carrying out investigations at the formal stage should not be connected in any way with the allegation, which has been made nor should the manager have any potential conflict of interest in undertaking the role of investigating officer.

A Human Resources Representative (or other representative of management) will assist throughout the procedure. S/he will attend all meetings and maintain a written record of all proceedings including the investigation and any outcome. The Manager conducting the investigation will check all records to ensure accuracy.

All investigations of complaints received under the formal stage should include:-
- a prompt, thorough and impartial response
- taking of evidence from witnesses
- listening carefully to the alleged harasser and the complainant's version of events
- respect confidentiality

An employee alleging that a Senior Officer has not adhered to the Council's Dignity at Work Policy, should contact the Director of Organisational Development, at the earliest opportunity. In the case of staff within the Organisational Development directorate, where the complaint may relate to the Director of Organisational Development, an alternative Director within Council may be contacted.

The Director of Organisational Development (or alternative Director) will assess the allegation(s) in respect of the following factors, prior to arranging for the allegation(s) to be investigated.

- Size, necessary expertise and the available resources of the Council to investigate the complaint

11

- The nature of the alleged offence(s)
- The potential legal issues associated with the complaint
- Assessment of potential conflict of interests

The Director of Organisational Development (or alternative Director) reserves the right to arrange for the complaint to be investigated by a suitably qualified independent external investigator, in accordance with this policy.

The Director of Organisational Development (or alternative Director) may also offer to make arrangements for independent mediation, depending on the circumstances.

16.0   INVESTIGATION UNDER FORMAL PROCEDURE

16.1   Time Limits

The following procedure details time limits for the completion of each stage of the procedure. If any of these time limits are not possible then both parties will be informed of the revised timetable.

The procedure should aim to be completed within 4 weeks of the complaint having been received. Where this is not possible, the procedure will be completed as soon as reasonable and practicable but Council will aim to have completed the investigation within 3 months maximum.

16.2   Making a Complaint

Complaints should be raised as soon as possible following an act of alleged harassment or bullying so that the matter can be dealt with swiftly and decisively.

It is preferable that employees follow the same principles as Council's grievance procedure and any complaints are made in writing to a Line Manager (or any other manager as appropriate), however, this will not preclude the investigation of a complaint made verbally.

It should be noted that employees found to be pursuing a complaint of harassment/bullying for vexatious or malicious purposes may be subject to disciplinary action.

16.3   Initial meeting with Complainant

The Officer receiving the complaint will acknowledge receipt of the complaint and arrange to meet the complainant within one week, in order to:

- clarify and formally record the nature of the complaint and that it is being handled under the formal procedure.

- Ensure that the Complainant is aware of the next stage of the formal procedure.
- Advise that the Complainant has the right to be accompanied at the investigatory meeting by a trade union representative, a lay trade union official work colleague or designated advisor
- Advise the complainant of their statutory rights and the time limits applicable.

16.4   Avoiding contact between complainant and alleged perpretrator

Where an employee raises a complaint she/he may subsequently not wish to meet the alleged harasser until the matter is resolved. The issue of avoiding contact is a delicate one and should be handled diplomatically. At all times complaints must be viewed objectively by management and procedures should reflect this objectively. Decisions relating to the avoidance of contact between the complainant and the alleged harasser must be made without prejudice against the latter.

If a potentially volatile situation arises and it appears prudent to separate the two parties, then consideration may be given to measures such as redeployment on a voluntary basis or the offer of authorised paid leave, pending the outcome of the investigation in extreme circumstances. Council will aim to have completed the investigation as soon as reasonably practicable but within 3 months maximum.

In extreme cases of allegations of serious harassment consideration will be given to precautionary suspension on full pay to enable the investigations to proceed. It should be made clear that this action is not a disciplinary action nor is there blame or guilt associated with this action.

An individual who is going to be suspended will be formally advised of this at a meeting with the Director/Head of Service concerned. The individual will have the right to be accompanied at this meeting by a trade union representative,a lay trade union official, work colleague.

A written record of the decision to place an employee on precautionary suspension will be retained by the H.R. representative attending the meeting. A letter will be issued from the relevant service Director to the employee placed on precautionary suspension.

16.5   Informing the alleged Perpretator

The alleged harasser will be invited to a meeting within one week of the complaint being received to:-

13

- Outline the nature of the complaint
- Confirm that it is being handled under the formal procedure
- Ensure that the individual is aware of the next stages of the procedure
- Any requirement for separation of parties
- Any requirements for precautionary suspension
- Advise them of the right to be accompanied at investigatory meetings by a Trade Union Representative a lay trade union official or a work colleague.
- The potential for disciplinary action if the allegations are substantiated.

16.6 Investigatory meeting with Complainant

The Investigatory Officer will invite the complainant to an investigatory meeting within 2 weeks and every effort will be made to resolve the matter as quickly as possible and in any event to have held all necessary meetings within 4 weeks of the date the complaint was first received.

The purpose of the meeting is to establish the facts. The complainant has the right to be accompanied by a Trade Union Representative, a lay trade union official or a work colleague. The Human Resources representative will be present at the meeting and will prepare a summary record of the meeting and advise that a summarised copy will be given to the alleged harasser.

16.7 Investigatory Meeting with the Alleged Harasser

The Investigating Officer will invite the Alleged Harasser to a meeting to get their response to the allegation of harassment/bullying. The alleged harasser has the right to be accompanied by a Trade Union Representative, a lay trade union official or a work colleague.

They will be furnished with a copy of the alleged complaint, in advance of the investigatory meeting. The Human Resources representative will be present at the meeting and will prepare a summary record of the meeting.

16.8 Investigatory Meeting with anyone who can assist with the Investigation

The Investigating Officer and the Human Resources representative will meet anyone who can assist with the investigation. This may include supervisors and co-workers and may also include anyone who observed the Complainant's demeanour immediately before and after the alleged incident(s) or any colleague with whom the Complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

The Investigating Officer and Human Resources Representative will meet the managers/supervisors of both the Complainant and alleged harasser to establish

if there has been any history of previous conflict between them and/or with other parties, if appropriate.
The Investigating Officer and Human Resources Representative may then wish to have further meetings to clarify or gain additional information.

16.9 Reporting the Facts

The Investigating Officer should prepare a written report outlining the facts, indicating his/her findings, and whether the disciplinary procedure should be invoked or other action taken. This report will be forwarded to the appropriate level of management.

16.10 Decision on Action

The appropriate level of management will then decide either:
(a) To initiate the Council's agreed disciplinary procedure against any party as appropriate;and/or

(b) To take no further action or to take any other appropriate management action e.g., the provision of training or counselling or mediation.

16.11 Communicating the Decision

Having made a decision on the most appropriate course of action this will be communicated by the Investigating Officer in writing to both the complainant and the alleged harasser.

17   After the Investigation is Complete

17.1 Appeals

If the person against whom the complaint was made wishes to appeal against any subsequent disciplinary action this will be dealt with under the Council's Disciplinary appeals procedure.

17.2

If the complainant does not feel their complaint was dealt with satisfactorily under the Dignity at Work policy and procedure, the employee will have the right of appeal to the Chief Executive or nominee.

An employee must request an appeal in writing to the Chief Executive within 10 working days of the date of the letter of being informed of the decision of the Investigating Officer. Examples of grounds for appeal may include the following:-

- The decision is manifestly unfair (the employee must detail why they believe the decision is unfair)
- New evidence has come to light relating to the complaint made.
- The Dignity at Work Policy & Procedure has not been applied correctly

The above list is not exhaustive. Appeal hearings shall normally be held within 10 working days of receipt of appeal and Council will provide at least 5 working days' notice of the date of the appeal. The employee will be advised of the date, time and location of the appeal hearing, their right to be accompanied (by a work colleague from the Council or a recognised Trade Union representative) and the person (s) hearing the appeal. Where, in exceptional circumstances it is not possible to adhere to this timescale the reasons should be recorded and the employee notified of those reasons.

Copies of any documents that an employee will rely on during an appeal must be submitted 3 working days in advance, to the person hearing the appeal.

17.3 Consideration of Transfer

(a) Redeployment if disciplinary action is taken
Where a complaint has been upheld the Complainant may wish to avoid further contact with the perpetrator. Should the latter remain in employment with the Council and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the alleged harasser in the first instance and where transfer of the Complainant occurs, it should not lead to any disadvantage to him/her
(b) Redeployment where disciplinary action has not been taken
Even where a complaint is not upheld, or, for example, where evidence is inconclusive, consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.

17.4 Training and Counselling

Training and/or counselling will be offered to the person who has been harassed and to the harasser. Where a complaint has not been upheld training and/or counselling may also be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.

17.5 Further Meetings

The Manager will meet the individual who has alleged harassment on a regular basis to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld. The Manager of the perpetrator will be responsible for ensuring that s/he is made fully aware of the Council's policies on equal opportunities and harassment/bullying and of the law in relation to these matters.

16

18.0   Designated Confidential Advisors

As at xxx 2018, there are 6 Designated Confidential Advisors in the various directorates across Council – See Appendix 2.

18.1   Further Support

Employees who are members of a trade union can also consult with their local trade union representative for further support in respect of bullying/harassment concerns/complaints.

19.0   Alternative means for pursuing complaints

This procedure does not replace the right of aggrieved employees to also pursue complaints to an Industrial Tribunal, the Fair Employment Tribunal or to the courts. Those who wish to consider that option may obtain advice from the Equality Commission in relation to incidents of harassment (tel 028 90 500600) or the Labour Relations Agency in relation to incidents of bullying (tel 028 90 321442). However, aggrieved employees are encouraged to pursue the Council's internal procedures as described in Section 14.0-16.0 of this document, in respect of addressing a complaint of harassment or bullying.

19.0   EQUALITY SCREENING & IMPACT

This policy has been subject to equality screening in accordance with the Council's screening process. The policy has been 'screened out'.

20.0   REVIEW

This procedure will be reviewed regularly by the Council and, if necessary, revised in consultation with recognised Trade Unions in light of changing legislation.

APPENDIX 1   **FLOWCHART**

APPENDIX 2   **CONFIDENTIAL ADVISORS**

APPENDIX 3   **LOCAL TRADE UNION REPRESENTATIVES**

APPENDIX 4   **GENERAL SUPPORT – ADVISORY SERVICES – see page 19**

APPENDIX 3 – LOCAL TRADE UNION REPRESENTATIVES

NIPSA:-

Unite

GMB

APPENDIX 4 – ADVISORY SERVICES

An employee seeking independent advice in respect of workplace bullying or harassment issue can contact the below agencies for further advice and support.

Labour Relations Agency Helpline

Tel 028 90 32 1442 telephone helpline is open Monday- Friday 9 am- 5pm

The LRA Helpline provides clear, confidential, independent and impartial advice to assist a caller resolve a workplace issue.

Citizens Advice Bureau Mid Ulster

Tel 028 8676 6126

Addresses: 7-11 William Street, Cookstown, 5-6 Feeney's Lane, Dungannon, The Business Centre – 80-82 Rainey Street, Magherafelt.

The Citizens Advice Bureau will provide independent advice to assist an individual find a solution to a workplace issue. You may be able to get legal advice from this source.

Membership of a Trade Union

If you are a member of a trade union you may also be able to get legal advice from this source.

Membership of a Professional Body

If you are a member of a professional body you may also be able to get legal advice from this source.