

<b>Report on</b>	General Duty to Improve Update - Guidance from Department of Communities and NI Audit Office
<b>Date of Meeting</b>	Thursday 3 <sup>rd</sup> December 2020
<b>Reporting Officer</b>	P Moffett, Head of Democratic Services
<b>Contact Officer</b>	L Jenkins, Performance & Quality Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Update on Council's General Duty to Improve in the context of Covid-19 and guidance received from the Department of Communities and Northern Ireland Audit Office.
<b>2.0</b>	<b>Background</b>
	<b>Council's General Duty to Improve</b>
2.1	Part 12 of The Local Government Act (NI) 2014 confirms that all Councils are under a general duty to make arrangements to secure continuous improvement in the exercise of their functions. The Department for Communities (DfC) also issued Councils with Circular LG 21/2016 ' <i>Guidance for performance improvement 2016 onwards</i> '. This guidance assists councils with their duty in relation to Performance Improvement. It aims to clarify the duties placed on councils by Part 12 of the Act and sets actions a council should take to meet its duties.
2.2.	Improvement is defined in statutory guidance as 'more than just quantifiable gains in service output or efficiency, or the internal effectiveness of an organisation'. Improvement for councils should mean activity that 'enhances the sustainable quality of life and environment for ratepayers and communities'. Essentially, improvement is about making things better and our focus is on how we can deliver better services for the benefit of our residents and service users. Annually Council chooses improvement objectives, consults with the public regarding the objectives and develops a Performance Improvement Plan. This is published each year by June 30th.
2.3	Council as per legislation and guidance also publishes an Annual Performance Report setting out our self-assessment of how we have performed against our Corporate Plan commitments and our Improvement Objectives in the previous financial year (a retrospective report) by the 30 <sup>th</sup> September each year.
2.4	Our work in Council regarding Performance Improvement is subject to audit by the Audit Office (NIAO) in line with Part 12 of the Local Government Act. NIAO undertake an audit and assessment of how Council has discharged its duties in relation to statutory performance improvement and reporting.

2.5	Under the Local Government (Performance Indicators and Standards) Order (NI) 2015, statutory performance indicators and standards are set as part of the performance improvement arrangements for district councils. Performance measures have been specified for the functions of: Economic Development, Planning and Waste management, on which to report annually, as part of the performance improvement arrangements for Councils. The aim of the performance measures is to promote the improvement of service delivery for the functions specified.
<b>3.0</b>	<b>Main Report</b>
	<p><b>Discharging Council's Duty to Improve in Response to Covid-19.</b></p> <p>3.1 Covid-19 has required the Council to divert resources and attention to support the emergency response post March 23<sup>rd</sup>, helping to protect the most vulnerable in society and ensuring continued delivery of our essential services. In recognition of these exceptional circumstances, the Department for Communities had proposed that Councils were not required to publish a Performance Improvement Plan for this year in line with correspondence from the Department of Communities to Council Chief Executives on 11th June 2020 (Appendix One).</p> <p><b>Considering Performance Improvement Arrangements Moving Forward</b></p> <p>3.2 The Department wrote to Chief Executives on the 17<sup>th</sup> of August to confirm that a decision had been made to set aside the requirement to produce and publish a performance improvement plan for the 2020/21 year (Appendix Two). It further outlined that Councils would still be required to publish their performance improvement assessment report covering 2019/20, with a publication date of 30<sup>th</sup> of September 2020 and that consideration regarding future arrangements would require further engagement with local government. The initial thinking, subject to taking the views of councils, was that, rather than being required to produce and publish performance improvement plans in the current circumstances in 2021 to 2022 it would be more beneficial for councils to produce plans setting out their proposals for service delivery and performance recovery.</p> <p>Further engagement with Councils regarding current and future performance requirements has now taken place between the Department, the NIAO and the Local Government Performance Improvement Working Group (LGPIWG), which is Chaired by a representative from SOLACE. Membership of the working group consists of Council Officers who hold Performance Improvement remits.</p> <p><b>Update from the Northern Ireland Audit Office in Response to Covid-19</b></p> <p>3.3 Northern Ireland Audit Office provided the chair of the LGPIWG with a letter dated the 30<sup>th</sup> of September (Appendix Three), where the NIAO laid out its primary focus for their audit approach within 2020-21. The NIAO recognised the impact the current situation was having on Councils and how they responded to the challenges, they faced.</p> <p>The NIAO highlighted that they would focus on Council's annual self-assessment report, they would not look at performance improvement plans as per communication from DfC. The NIAO outlined that timescales for the completion of their work were currently being extended to allow for the necessary change in legislation to be completed, however for most Council's they still intended to begin their work in the coming weeks.</p>

	<p>Regarding fees, the NIAO estimated their input this year would be in the region of 25% to 30% of the previous year's work and would therefore reflect a reduced fee. The NIAO stated it would also continue to work with Councils through the LGPIWG in making improvements to the wider performance improvement system</p> <p><b>Chair of LGPIWG Forwards Letter to DfC on behalf of SOLACE NI.</b></p>
3.4	<p>The chair of the LGPIWG wrote to the DfC on behalf of SOLACE on the 20<sup>th</sup> of October. The letter outlined the most appropriate steps/recommendations to be considered by the Department in the short, medium and longer-term to ensure that performance continued its valuable profile across the sector (Appendix Four).</p> <p><b>Correspondence Received from DfC November 2020.</b></p>
3.5	<p>The Department corresponded with the Chair of the LGPIWG on the 13<sup>th</sup> of November (Appendix Five) outlining its response to the proposals set out in the letter dated the 20<sup>th</sup> of October. The Department outlined that in the short term, their aim was to bring forward legislation to regularise the legal position arising from the Minister's decision to set aside the requirement for Councils to produce and publish a Performance Improvement Plan for the current 2020/21 year.</p> <p>For the medium term, the Department is to work with the local government on arrangements, which should be put in place for performance improvement planning during the 2021/22 year. This work is to include processes, timelines and whether any further legislation, would be required to facilitate any changes to existing arrangements.</p> <p>In the longer term, and subject to Ministerial agreement, the Department is to carry out a full review of Part 12 of the Local Government Act. Many of the additional recommendations in respect of performance improvement arrangements, set out in the attached as appendix 4 to this report (e.g. the movement to 2-year plans and 2-year audit cycles) would be matters for the full review of Part 12.</p> <p><b>Council's Performance Activity in 2020-2021</b></p>
3.6	<p>Council continues to comply with its General Duty under Part 12 of the Local Government (NI) Act by continuing to manage, assess and report on Council's suite of Corporate Health Indicators and Standards (of which there are 28 in total). These form an integral part of our Performance Improvement Framework and arrangements. Council's current suite of performance indicators, which includes statutory, self-imposed and organisational health indicators, are considered to form part of our day-to-day business and act as a barometer of how the Council is improving across its services. The Corporate Health indicators are in effect a 'performance dashboard', providing a summary of how the Council is doing across eight key areas of: Economy, Waste management, Council facilities, Better responses, Resident Satisfaction, Staffing, Engaged Workforce and Finance.</p> <p>Council has also completed its Annual Assessment Report relating to 2019/20 (retrospective report) and this has been agreed, ratified and is available on Council's web site. The Annual Assessment Report and the accompanying evidence to support its completion will form the basis for this year's annual Performance Audit. Deloitte will undertake this piece of audit work over the incoming weeks.</p>

	Council Services have also completed Service Plans for 2020 (SIP's) and the plans include improvements in our day-to-day work. All the service delivery plans translate corporate objectives into service targets and operational activity/measurement, aligning with finance, workforce and risk issues. The Service Plans also form an integral part of the Council's Performance Improvement Framework.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/A
	Human: N/A
	Risk Management: Disruption caused by COVID-19 has had a significant impact on our District, our citizens, our services and the way we provide them and will continue to do so in the short to medium term. In the coming months and into the next financial year, with increased testing, vaccination programmes and adherence to social distancing rules, all of our will services gradually recover, by transitioning and adjusting to the 'new' normal. Effective planning will determine how well the organisation adapts to the challenges and opportunities within the current and post COVID-19 environments, i.e. recovery planning (which will assist in the mitigation of risk).
<b>4.2</b>	<b><u>Screening &amp; Impact Statements</u></b>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members note the current guidance issued by the Department of Communities and the Northern Ireland Audit Office and ongoing activity around the Duty on council to Improve.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	<p>Appendix One: Department of Communities, 11<sup>th</sup> June 2020</p> <p>Appendix Two: Department of Communities, August 2020</p> <p>Appendix Three: Northern Ireland Audit Office, 30<sup>th</sup> September 2020</p> <p>Appendix Four: SOLACE NI representative as Chair LGPIWG, 20<sup>th</sup> October 2020.</p> <p>Appendix Five: Department for Communities, 13<sup>th</sup> November 2020</p>