



From: Emma Sisk
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Branch

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27 February 2023

To: All Affordable Warmth
Scheme Council Senior
Officials

Dear all

AFFORDABLE WARMTH SCHEME – SERVICE LEVEL AGREEMENT, FUNDING AND A REFRESHED APPROACH TO TARGETING

At the Senior Officials meeting on 20 January, I said I would write to you about the interim Service Level Agreement (SLA), Council funding for delivery of the Scheme, and provide some guidance on the refreshed approach to targeting recently approved by the Department of Finance.

Service Level Agreement

I have attached the latest version of the SLA which we are proposing covers the period up to 31 March 2024, the end date of the existing approved business case. Councils indicated at January's meeting that this would need to be signed off at local committee before the election in May. I would be grateful if that process could be completed, and the signed SLA returned to the Department as soon as possible.

It is an audit requirement that Councils provide an assurance regarding financial accountability and operational delivery to assure the Department that funds provided for the

AWS are being spent on the Scheme. Therefore, can I ask that each Council provides this assurance statement and returns to the Department alongside the signed SLA. You should keep a record of the evidence you have used, and how you got the assurance you needed. We do not require Councils to send this evidence to us, but we may ask to see it, or elements of it.

Council Funding for Delivery of the Scheme

Unfortunately, I am not in a position to confirm the Scheme budget for 2023/24; however, our current planning assumption is for a capital budget of £16m. I had indicated at our last meeting that we may be asking Councils to make 30 referrals per month, however, due to the budget uncertainty we are now asking Councils to make 20 referrals per month from 01 April 2023 to 30 June 2023. As soon as I am given confirmation of the budget, I will write to you with details.

I understand there is some concern among Councils about meeting the referrals per month target without a change to funding arrangements. In addition, at the most recent Senior Officials meeting several Councils indicated that they may be unable to continue their participation in the Scheme under the current funding model. The SLA allows a +/-5 flexibility in monthly referral numbers and you should work with your local Grant Office to make up any shortfall by the end of each quarter.

The Department is drafting an addendum to the current Business Case to allow the Scheme to run from April 2024 – March 2026. Options on a revised funding model will be explored through the addendum. Any changes must demonstrate value for money and will be subject to relevant approvals and budget availability. We are progressing this work as a matter of urgency and hope that a revised model will provide additional certainty to Councils in regard to funding whilst allowing the Department to meet its financial and risk management obligations. I will provide further detail on the approved new approach at the earliest opportunity.

However, should any Council intend to formally withdraw from the Scheme, I would be grateful if you would notify the Department as a matter of urgency and by the 17th March 2023 at the latest so that alternative delivery models can be explored.

Refreshed Approach to Targeting

As you are aware an Internal Audit Review of the Affordable Warmth Scheme completed in March 2021 and recommended (4.1) in relation to targeting that the Department:

- a) Liaise with DoF regarding Scheme targeting to establish the implications for the 2018 interim Business Case and current Business Case approvals: and
- b) Undertake an evaluation of the targeted approach including the effectiveness of the model used and assess the impact on the current Business Case.

The Department commissioned Business Consultancy Services (BCS) in the Department of Finance to complete a study to examine if the Affordable Warmth Scheme continued to deliver value for money. This included an evaluation of both the effectiveness and value for money of the current targeted approach within the current delivery model. The BCS study concluded that:

- The principle of “worst first” is sound, and results in successful targeting of those most in need.
- The effectiveness of the current model has diminished in recent years, based on the marginal nature of targeting i.e. lists in a number of council areas are exhausted and the current 80/20 split is limiting councils’ ability to target support towards people who are in relative need but outside of the targeted area.
- Continuing but optimising the current targeted approach by implementing the recommendations in this report would provide the best value for money at this point.

The BCS study recommended that:

- the definition of ‘targeted’ should be more flexible;
- the targeted to self-referral ratio should be amended (it suggested a change to 60:40);
- consideration should be given to expanding the targeted list.

In February 2022 the Department commenced a pilot with a refreshed approach to targeting in 3 Council areas: Antrim and Newtownabbey, Derry City and Strabane and Belfast. The pilot introduced a modified version of the definition of “targeted” to reflect the development of the Scheme since it began in 2015 and to take account of Councils’ views on the

meaning of what a targeted case should include. For the purpose of the pilot the following referrals were considered targeted:

- On the targeted list;
- Same postcode as address on the targeted list;
- Close proximity (as determined by Council staff) to an address on the targeted list; or
- Signposted by another Agency or person.

The BCS study is attached at Annex A and a report of the pilot is attached at Annex B.

It is clear from the results of this pilot that a refreshed approach using the modified definition is more effective in finding and assisting those most in need and make the best use of Council resources and provides value for money.

We would therefore ask all Councils to commence using this refreshed targeted definition from 01 April 2023. To assist the Department to evaluate the effectiveness of this revised approach, Councils will also be asked complete the template attached at Annex C and return to the Department on a monthly basis. A member of the Affordable Warmth and Energy team will contact you soon to arrange a suitable date and time for a visit to your office to discuss the new approach with you.

Finally, I would like to take this opportunity to thank Councils for all their efforts in delivering the Scheme to date.

Yours sincerely,

Emma Sisk

CC: Oliver McHugh
Josephine Gardner
Nicola Kelly
Eva Dougan



Microsoft Word -
BCS Review of DfC Af

PILOT OF A REFRESHED APPROACH TO TARGETING IN THE AFFORDABLE WARMTH SCHEME

Background

Rationale for Targeting

1. The Affordable Warmth Scheme was introduced in April 2015 and targeted homes most at risk of fuel poverty and likely to be in need of improvements to their energy efficiency. Initially the Department adhered rigidly to a referral ratio from Councils of 80% targeted and 20% self-referral. This was to ensure that Councils focused on the targeted lists of addresses provided to them by the Department. These addresses were identified using a targeting tool developed by Ulster University and were most likely to be in severe fuel poverty.
2. The Scheme was built on a partnership with Councils and as it developed it was always expected Councils would be more involved using local knowledge to identify and target households most at risk of fuel poverty in their local area. As the Scheme progressed year on year an increased number of referrals came from areas outside those identified on the targeted lists. All of these referrals meet the Scheme qualification criteria and were just as likely to be in severe fuel poverty as those on the targeted lists.

Developing the Targeted Approach

3. The 80/20 split was becoming almost impossible to meet and Councils argued that that there should be more flexibility around it. The targeted lists in some council areas had been exhausted and they could not be re-worked or looked at until after the census results which could be post 2024. Refreshing the targeted approach does not represent a move away from targeting the “worst first” ethos of the Scheme, rather it acknowledges that Councils are well placed to assist with the identification and targeting of those most in need by using local knowledge and maintains the targeted approach approved in the Business Case.

Business Consultancy Services Study

4. The Department commissioned Business Consultancy Services (BCS) in the Department of Finance to complete a study to examine if the Affordable Warmth Scheme continued to deliver value for money. This included an evaluation of both the effectiveness and value for money of the current targeted approach within the current delivery model.
5. The BCS study concluded that:
 - The principle of “worst first” is sound, and results in successful targeting of those most in need.
 - The effectiveness of the current model has diminished in recent years, based on the marginal nature of targeting i.e., lists in a number of council areas are exhausted and the current 80/20 split is limiting councils’ ability to target support towards people who are in relative need but outside of the targeted area.
 - Continuing but optimising the current targeted approach by implementing the recommendations in this report would provide the best value for money at this point.
6. The BCS study recommended that:
 - the definition of ‘targeted’ should be more flexible;
 - the targeted to self-referral ratio should be amended (it suggests a change to 60:40);
 - consideration should be given to expanding the targeted list.
7. This presented an opportunity for a pilot of the refreshed approach to be run across three of the councils.

The Refreshed Approach to Targeting pilot

8. It was agreed that the pilot would run in in 3 Council areas - Antrim and Newtownabbey, Derry City and Strabane and Belfast. The status of targeting in each of the council areas at the start of the pilot was:

- Antrim & Newtownabbey – Been through list 5 times, door knocking and letters sent out. Of the last 400 letters sent out, there were 3 responses and of those only 1 of those were eligible for AWS.
 - Derry City & Strabane – Been through list twice and it is now exhausted. They had also sent out letters but the response has been minimal and the cost involved has not been recouped.
 - Belfast – List has not been exhausted, when self-referrals come in they look at the targeted lists to see if they can bring them in under targeted.
9. The pilot introduced a modified version of the definition of “targeted” to reflect the development of the Scheme since it began in 2015 and to take account of Councils’ views on the meaning of what a targeted case should include. For the purpose of the pilot the following referrals were considered targeted:
- On the targeted list;
 - Same postcode as address on the targeted list;
 - Close proximity (as determined by Council staff) to an address on the targeted list; or
 - Signposted by another Agency or person.

Results from the Pilot

10. Adhering to the targeted lists and the 80% targeted 20% self-referral arrangement had been restricting Councils’ ability to use their local knowledge to assist the “worst first”. Refreshing the approach to targeting has allowed Councils to use their resources to find homes most in need of assistance. A summary of the referrals from the pilot is attached at Appendix 1 and shows a significant shift in the levels of cases considered targeted when using the refreshed approach.
11. It is important to note the low levels of household incomes in many of the cases which were targeted by the pilot using the refreshed approach, many of these would not have been identified otherwise. In Belfast the average household income for

referrals during the period of the pilot was £13,200, in Antrim and Newtownabbey it was £13,758 and in Derry and Strabane the average household income was £13,152.

12. It is also important to note that 76% of approved referrals received multiple energy efficiency measures and 63% received priority 1 measures (**Insulation / Ventilation / Draught-proofing**).
13. The Councils have recorded many examples of homes in real need of assistance which they would not have been able to refer into the Scheme outside the pilot arrangements. Some of these are shown in Appendix 2.

Conclusion

14. The use of targeted lists and adherence to a strict 80% targeted and 20% self-referral was necessary to ensure that resources were directed to those most in need of assistance in the early years of the Scheme. The findings from the pilot show a rate of 80% targeted and 20% self-referral.
15. It is clear from the results of this pilot that a refreshed approach using the modified definition is more effective in finding and assisting those most in need and make the best use of Council resources and provides value for money.

Recommendation

16. The Department recommends that the refreshed approach to targeting is rolled out to all eleven Councils from 1 February 2023. The Department will review the refreshed approach after one full year of operation. In line with the BCS Study the targeted to self-referral ratio should be amended to 60:40.

Appendix 1

AFFORDABLE WARMTH SCHEME TARGETING PILOT FEBRUARY - OCTOBER 2022

SUMMARY

Council	Total Feb - Oct	Targeted List	Same Postcode	Close Geographical Proximity	Referred by another Agency	Self-Referral	Average Income level
Antrim N'Abbey *	172	27	15	92	1	37	£13,758
	78%					22%	
Belfast	221	5	54	7	118	37	£13,200
	83%					17%	
Derry Strabane	230	92	0	77	8	53	£13,152
	77%					23%	
Overall	623	124	69	176	127	127	£13,370
	80%					20%	

- Information for Antrim and Newtownabbey is for 6 months only

Case 1 – 65 Joanmount Park

Address is outside the targeted area, referred by a family member who thought she might be eligible for the scheme. 82 years old, solid fuel glass fronted fire and unable to use the fire easily or safely now due to age and mobility issues.

Case 2 – 37 Whitecliff Parade

Address is not on the targeted list but within the targeted area and has the same postcode (dropping the last letter). Lady who is 64 years old receives DLA, has mental health problems and has a daughter with learning difficulties living in the house. The old oil boiler was completely broken and she had no insulation in the house at all. She was referred to the Warm and Well scheme to provide her with oil-filled electric radiators and electricity top ups in the interim period.

Case 3 – 21 Glencairn Crescent

Outside targeted area, referred by a community worker. Elderly gentleman, 85 years old recently lost his wife. No insulation at all in the property and finds it very difficult to heat and spending a large amount of money on gas. Despite having a new boiler he has also been having trouble with the heating so he was referred to the Warm and well Scheme who arranged for the heating system to be inspected and subsequently flushed. He was also referred to Bryson for a home safety check and handyperson service as he had a few odd jobs and clutter to clear from his home.

COUNCIL RPEORTING TEMPLATE



Council Reporting
Template.xlsx

AFFORDABLE WARMTH SCHEME

INTERIM

SERVICE LEVEL AGREEMENT

between

DEPARTMENT FOR COMMUNITIES

and

MID ULSTER COUNCIL

For the period 1 April 2022 to 31 March 2024

Date: 27 February 2023

1. Overview

- 1.1. The Department for Communities (DfC/the Department) is responsible for developing policy and implementing programmes to mitigate the effects of fuel poverty and improve the thermal comfort of low income households across Northern Ireland. The Affordable Warmth Scheme is DfC's primary scheme for tackling fuel poverty. DfC works in partnership with all local councils and the Northern Ireland Housing Executive (NIHE/the Housing Executive) to deliver the Affordable Warmth Scheme.
- 1.2. The Affordable Warmth Scheme aims to mitigate the effects of fuel poverty in households living in severe or extreme fuel poverty. It targets low income households in eligible private housing and delivers home energy efficiency improvement measures to qualifying households.
- 1.3. All parties will use opportunities during the life of this agreement to display a commitment to work together in support of Government aims to improve household energy efficiency.

2. Aims and Objectives of the Affordable Warmth Scheme

- 2.1. The Affordable Warmth Scheme is delivered under the statutory framework contained within the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009 as amended by the Domestic Energy Efficiency (Amendment) Regulations (Northern Ireland) 2016 (2016 SR NO 333 Para 7) and Amendment Regulations 2021 (2021 SR NO 147).
- 2.2. The aims of the Affordable Warmth Scheme include to:
 - mitigate the effects of fuel poverty in low income households.
 - deliver a whole house approach providing energy efficiency improvement measures.
 - target and assist those most likely to be living in the most severe fuel poverty first using a triage system which utilises an agreed scoring matrix to prioritise cases and maintain consistency across all Council areas. The weighting for the triage system takes account of the vulnerability of the householder in terms of age and disability and the condition of the household.
 - deliver a range of measures within a short period of time with minimal disruption to residents.

- raise the SAP rating of homes to a level which would protect the occupants from the impacts of fuel poverty.
- deliver tailored solutions in a synchronised way.

2.3. The Affordable Warmth Business Case (2019 – 2024) contains the following objectives and performance indicators:

- between 1 June 2019 and 31 March 2024 to deliver energy efficiency improvement measures to a minimum of 14,000 homes considered to be likely to be at risk of severe fuel poverty
- between 1 June 2019 and 31 March 2024 to deliver 21,000 energy efficiency measures.

2.4. For the period of this SLA and based on an annual budget of £16m this translates overall as:

- 3,137 homes assisted
- 4,705 energy efficiency measures provided

2.5. The measures available under this scheme are listed at **Annex A**

3. Scope and Duration of the Interim Agreement

3.1. The Department has agreed to work with Councils to review a number of issues raised by Councils. To inform the process going forward DfC commissioned Business Consultancy Services (BCS) to undertake an evaluation of the current targeted approach of the Affordable Warmth Scheme and to examine and consider the appropriateness of the current funding model. Councils participated in that study and made recommendations for a refreshed approach to targeting. This approach was piloted in 3 Council areas and the Department made recommendations to DoF to make changes to the targeted approach based on the results of the pilot. DoF agreed to the changes and Councils will be asked to introduce the refreshed approach from 1 April 2023.

3.2. The purpose of this Service Level Agreement (SLA) is to set out the interim arrangement between the Department and Councils pending further consideration of the way forward in the development of a future SLA. It sets out the relationship between Councils and DfC, the duties and responsibilities on each and the outworkings of delivering the Affordable Warmth Scheme.

3.3. This interim agreement takes effect from 1 April 2022 and remains in force unless terminated by:

- The end date of the agreement: 31 March 2024
- Either party, on the expiry of 3 months' notice in writing.
- The agreement of both parties.

3.4. Any party may also terminate the Agreement without notice, for any of the following reasons:

- any breach by the other of its obligations under this Agreement; and
- in the case of a breach capable of rectification, where such breach has not been rectified by the other party within 14 days of it being given notice of same.

3.5. The agreement may be amended at any time with the consent of both parties. Agreed amendments will be incorporated into the agreement and recorded at **Annex B**

3.6. This interim agreement will be reviewed as part of a wider review of the SLA as required under DfC Internal Audit Recommendation 4.2(c):

Review the SLA to ensure clarity is provided on self-referrals, the Scheme's objectives and key performance indicators are included and ownership is clearly attributed between the parties.

4. Role and Responsibilities

4.1. Department for Communities

4.1.1. The Department for Communities has a responsibility to ensure that the Affordable Warmth Scheme meets its aims and objectives and is delivered in partnership with local Councils and NIHE.

4.1.2. The Department undertakes to:

- bid for funding to enable Councils and NIHE to administer the Scheme. Funding to Councils will be provided through NIHE which will transfer agreed funds to each local council on a quarterly basis **(the funding model is under review and any revised model will be approved by DoF)**;

- set a target for referrals which Local Councils will deliver to the NIHE annually and monthly;
- where targets are required to be changed due to budgetary or scheme performance reasons give 2 months' notice of an increase or decrease of targets;
- provide each Local Council with data detailing the households to be targeted where appropriate;
- provide reporting templates for Local Councils monthly progress reports.
- continually monitor and evaluate the scheme through reporting arrangements with the NIHE and Local Councils;
- provide advice to the NIHE regarding the policy of the scheme as required;
- consider changes that will improve process or impact as the scheme develops;
- carry out a final evaluation of the Scheme post 31 March 2024.

4.2. Local Councils

4.2.1. Local Councils are responsible for targeting households who are most in need, determining eligibility for the Scheme and submitting regular referrals to the NIHE. Each local council has been provided with details of households considered to potentially meet the conditions of the scheme.

4.2.2. Each Local Council undertakes to:

- with the consent of the targeted householder, conduct an eligibility assessment with the householder to collate and verify eligibility for the Scheme in relation to occupancy, tenure and financial income;
- contribute to the objectives and performance indicators (paras 2.3 and 2.4 refer) by maintaining a steady rate of 20 +/- 5 completed first time surveys to the Housing Executive monthly (equates to approximately 240 per Council annually). Additional referrals will not be accepted without prior agreement with the Department and NIHE. The monthly tolerance difference should be made up by the end of the quarter.

- apply appropriate discretion regarding accepting self-referrals (*currently referrals which are not from the 'targeted list'*). Local councils must bear in mind that Affordable Warmth is primarily a targeted scheme. Targeting those households in most need of intervention and requiring scheme measures in priority one to four order (**Annex A**). **This clause will be amended to reflect the refreshed targeting approach from 1 April 2023.**
- advise the Department within one month if referral targets cannot be met along with a plan for resolution.
- where the number of referrals may need to be adjusted in year due to budget change or scheme performance, endeavour to meet the new targets in order to maximise the number of households being supported. Where this is not possible the Council must inform the Department;
- highlight urgent cases to the NIHE central team at the time the referral is being electronically transferred. An urgent case is defined as a household with no heating system, or where a 15 year old central heating boiler is broken down beyond repair
- ensure that when an application is received by Building Control that officials arrange for measures to be inspected. NIHE will provide Councils with details where certificates are outstanding, and both parties will actively progress these cases and report position at the quarterly partnership meetings.
- Building Control officials will confirm to the NIHE whether the installation is in compliance with the building regulations;
- provide householders participating in the scheme with information regarding energy advice;
- manage and respond to complaints concerning local council staff regarding the Affordable Warmth Scheme;
- where local council officials have completed the survey and referred that survey to the NIHE, direct any query regarding the application to the NIHE to resolve.
- meet with the NIHE and DfC at least quarterly to discuss the progress of the scheme and discuss any areas of concern;
- participate in both the established Senior Officer group (3 meetings per year) and other ad hoc meetings as and when required;

- where the householder agrees, refer their details (name, address, contact number) to the Social Welfare Group (***Make the Call***¹) for the purposes of conducting a Benefit Entitlement Check with them.
- carry out additional duties such as handholding of householders and qualitative case studies of homes which have received assistance through the Scheme.

4.3. Northern Ireland Housing Executive

4.3.1. The NIHE is a non-departmental public body. Therefore it will not be a signatory to this SLA as the DfC and the NIHE has an established accountability process. This accountability process sets out the controls to be exercised over the different areas of the NIHE's activities by the DfC directly or by the NIHE itself. The prime purpose is to assist the Permanent Secretary of DfC in discharging his responsibilities in relation to NIHE systems and as such represents a formal statement by DfC of the standards it requires the NIHE to achieve in relation to the probity of activities.

4.3.2. The NIHE undertakes to:

- act as Scheme Manager to deliver the schemes strategic objectives;
- manage and control all financial procedures and in line with approved budgetary capacity and scheme business case;
- develop, implement and monitor scheme policies, procedures and guidance underpinned by the objectives outlined in the scheme business case;
- provide performance and financial information and complete all monthly and quarterly reports to NIHE Executive Team and DfC;
- complete evaluations of the scheme interventions in relation to customer satisfaction levels, energy efficiency and fuel poverty;
- work closely with DfC, Councils and Grants Offices to ensure effective delivery of the scheme business case;
- manage, investigate and respond to all complaints in line with Housing Executive policies;

¹ Link for contact information and general information to Make the Call [Make the Call Service | nidirect](#)

- administer scheme information requests where available such as Freedom of Information Requests, Subject Access Requests and Assembly Questions;
- positively engage with other scheme stakeholders and actively address matters pertaining to the scheme;
- carry out the daily tasks as defined in the Scheme Information & Policy Guide;
- attend quarterly partnership meetings and provide scheme performance update and address matters relating to the scheme with senior officials;
- maintain local monthly meeting between Grants Office representative and Council representative to address local queries;
- complete sample verification checks (minimum 10% - maximum 100%) of applications referred and liaise with Councils on the findings so corrective action can be taken;
- encourage scheme participation, give technical and energy guidance to householders and help reduce cancellations.

5. Financial Arrangements

5.1. Local councils will be responsible and accountable for the management of the Affordable Warmth budget allocated to them and paid to them quarterly by NIHE. Each local council must ensure that they have appropriate financial management policies in place and that the Affordable Warmth Scheme budget is ring fenced for Affordable Warmth activities.

6. Monitoring & Reporting

6.1. Each local council will provide the Department, with monthly progress reports (template attached at **Annex C**) regarding the number of:

- referrals completed;
- the number of self-referral referrals completed; and
- numbers and details of referrals to other schemes or services.

6.2. Local councils will advise the Department of any Internal Audit of the Affordable Warmth Scheme in their Council area, share any Audit recommendations concerning Affordable Warmth and consider those which relate to improving the management of the scheme. This will be done in consultation with DfC.

7. Accountability

7.1. Overall accountability for the delivery of the scheme rests with the Accounting Officer of DfC as the funding department. However, each receiving organisation is accountable for its own finances and ensuring that appropriate controls are in place in order to provide them with the necessary assurances regarding expenditure.

8. Limited Liability

8.1. The local council shall have no liability to the Department for any loss or damage sustained by the Department as a result of the Department relying on any information supplied to it by the local council under this agreement.

9. Confidentiality and Data

9.1. All Parties are to take cognisance of the Data Protection, GDPR and Freedom of Information legislation. **Annex D** sets out an agreement for the processing of personal data for the DfC and the NIHE.

Department for Communities
22 February 2023

FORMAL COMMITMENT

Signed

Dated

On behalf of the Department for Communities

Signed

Dated

On behalf of Mid Ulster Council

AFFORDABLE WARMTH MEASURES

Prioritised list of measures available under the Affordable Warmth Scheme:

Priority rating	Conditions in existing property	Improvement measures available
Priority 1 – Insulation	No cavity wall insulation	Install cavity wall insulation
	Ineffective cavity wall insulation	Remove and replace cavity wall insulation
	No loft insulation or below minimum	Installation or top up of roof space insulation to 270mm
	No hot water jacket	Install hot water jacket
	Ineffective or no draught proofing	Draught proof windows/doors
Priority 2 – Heating	No heating system exists	Installation of natural gas or oil heating
	Conversion of existing LPG or solid fuel system	Installation of natural gas or oil heating
	Conversion of Economy 7	Conversion to natural gas (or oil where natural gas isn't available) or conversion to high efficiency storage system
	Householder 65 or over, or with child under 16, or receiving a disability benefit and with a boiler over 15 years old	Boiler replacement and new radiators where required
	Heating system exists without controls	Add heating controls
	Heating system exists but radiators defective	Replace radiators as needed
Priority 3 – Windows	Windows in disrepair	Repair/replace windows with double glazing if draught proofing is not possible
Priority 4 - Solid wall	Solid wall with no insulation	Internal/external insulation

RECORD OF AGREED CHANGES TO THE INTERIM SLA

Summary of Change made	Reference Paragraph	Date change agreed	Version updated by

COPY OF MONTHLY RETURNS TEMPLATE



Council Reporting
Template.xlsx



DATA PROCESSING AGREEMENT – MID ULSTER COUNCIL

for the processing of personal data for the Department of Communities and Northern Ireland Housing Executive

1) Purpose

1. This agreement sets out the terms and conditions by which personal data will be processed by the Council's on behalf of the Department for Communities (DfC) and the Northern Ireland Housing Executive (NIHE).
2. This agreement is signed and agreed to ensure full compliance with the provisions of the Data Protection Act 2018 (DPA 2018) and is consistent with the original purpose for which the data is / was gathered and further processed.
3. The purpose of the disclosure is to facilitate the processing of personal data on behalf of the DfC and NIHE who are the Data Controllers and to fulfil the obligations with regard to: Improving domestic energy efficiency in the private sector across Northern Ireland via the Affordable Warmth Scheme. This scheme aims to target identified low income households and deliver energy efficiency improvement measures to qualifying households. The Affordable Warmth Scheme is DfC's primary scheme for tackling fuel poverty. DfC and NIHE work in partnership with all local councils and the NIHE to deliver the Affordable Warmth Scheme.
4. The terms Data, Data Controller, Data Processor, Personal Data, Sensitive Personal Data, Processing and Information Commissioner have the same meaning as defined within the Data Protection Act 2018.
5. "Agreement" – means this Data Processor agreement along with any associated documents attached or referred to as forming part of the agreement.

6. “Services” – means the services that will be provided by the Data Processor during the period of the agreement.
7. “Council Liaison officer” – means the person nominated by each Data Processor who will assume day to day management responsibility and liaison with the Data Controllers.

2) Use and Disclosure of Personal Data

1. Councils will receive specific targeted lists of referral addresses within their Council area of responsibility and also receive independent enquiries from individuals who are not on the target list.
2. Council officers will visit targeted and non-targeted addresses, where appropriate to assess eligibility for the scheme and collect the necessary documentation. When visiting an address, the Council officers will complete an electronic NIHE application form named ‘**Affordable Warmth Scheme**’ application.
3. As part of the process, the applicant is required to provide documentation to verify eligibility including proof of ownership, occupancy and income. These eligibility documents will be photographed by Council staff on a Council issued electronic tablet at the time of the visit and in the home of the applicant. Eligibility documents will be shared with NIHE electronically and the eligibility document data is then deleted beyond recovery from the tablets. Where documents cannot be submitted electronically, hardcopies can be accepted if necessary.
4. The tablets have a security feature that secures all data being stored on and transmitted to a device and provides functionality to lock down and wipe data from a device if it is lost or stolen.

5. In certain cases the original hard copy eligibility documents are removed by the Council officers instead of photographing onto the electronic tablet in the home of the applicant. These documents will be photographed or scanned and checked that the copy is legible before sharing with NIHE. The originals will be returned to the applicant in such a way to protect the data in accordance with Council policy.
6. If the property is privately rented, the Council officers will send a consent form to the landlord.
7. Data gathered for this purpose will not be disclosed to any other person or organisation. The data is used to confirm the eligibility of the applicant to receive a grant.

3) Proportionality / Subject Access

1. The processing will be proportional for its purpose and a high level of security and confidentiality will be applied. The Council will additionally agree to notify the ICO if any changes are required to their Data Protection notification.
2. If a subject access request is made directly to the Council and it involves personal data controlled by DfC and NIHE, it is the responsibility of the relevant Council to immediately liaise with DfC and NIHE to process the request.
3. DfC and NIHE will give appropriate assistance as is necessary to the Council to enable it to:
 - Comply with a subject access request
 - Respond to any information notice served upon the Council by the ICO
 - Respond to any complaint from a data subject
 - Investigate any breach or alleged breach of the Data Protection Act

4) Security

1. The Council will apply appropriate security measures equal with the requirements of the Data Protection Act 2018.
2. The Council must ensure that appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. In particular, the Council shall ensure that measures are in place to:
 - Prevent accidental compromise or damage during storage, handling, use, processing, transmission or transport;
 - Deter deliberate compromise or opportunist attack;
 - Promote discretion in order to avoid unauthorised access; and
 - Provide suitable training to their staff on how to handle DfC and NIHE data.
3. To ensure Information Security Standards Councils will work to the principles of ISO27001.
4. The personal data, including application forms and supporting documents, is transferred to NIHE (on behalf of DfC) via -
Electronic forms are transferred to NIHE using XML files and FTPS site or using password protected xml files via e-mail.
5. When necessary paper application forms and supporting documentation are hand delivered to NIHE grants office and signed in by case officers.
6. The services of any sub-contractor will not be used by the Council in connection with the processing of DfC and NIHE data without prior approval.

5) Confidentiality

1. The Council will not disclose or communicate to any other individual or organisation the personal data gathered for DfC and NIHE. They shall treat any personal data provided strictly private and confidential.
2. The Council shall ensure that any of their staff listed within the agreement are aware of their responsibilities in connection with the use of that data.
3. The obligations of confidentiality in relation to this agreement by the Council will remain in force after the expiry of this agreement.
4. This obligation of confidentiality shall not apply where disclosure of DfC and NIHE data is ordered by a Court of law. There may also be occasions when disclosure is required by the Police or other law enforcement agencies for the investigation of a crime or is required for legal proceedings.
5. If this happens, and a request is received by the Council, it must inform DfC and NIHE as soon as possible in writing, stating the identity of the requesting body and nature of the data sought. This will allow DfC and NIHE to deliberate and decide on what can be released.

6) Retention and Review

1. The data should be retained for five years in line with DfC retention policies.

7) Data Processor Breach of Security

1. In the event of a data breach by the Council, which involves DfC and NIHE data, the Council Liaison Officer must immediately inform DfC and NIHE of the circumstances.
2. A data breach can take the form of the following:-

- The loss or theft of data;
 - Equipment failure;
 - Professional hacking attempt;
 - Professional “blagging” whereby data is obtained by deceit; and
 - Human error by accidental disclosure. (An organisation mistakenly providing personal information to the wrong person, for example by sending details out to the wrong address).
3. Once it has been confirmed that DfC and NIHE personal data has been involved, the main DfC Data Breach procedure must be invoked. It must also be assumed that the Council will have a data breach procedure in place; however, DfC will lead on this matter.

8) Time Period of agreement and Termination

1. This agreement will remain in force until the SLA is reviewed. However if potential issues do emerge, this may require further consideration.
2. DfC may at any time by notice in writing, terminate this agreement if the Council is in breach of any obligation under this agreement.
3. DfC retains the final decision in any variation to the agreement. No variation will occur unless written directions are signed by both parties and included within this document.

This constitutes an agreement between the Council (acting as Data Processors) and DfC / NIHE who will abide by the content of this document.