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All

As discussed at 10:30, please see guidance on IASS and associated annexes.

This was drafted at haste last night, but I think it covers everything. However, if there are any issues let me know.

Unless you have staff working over the weekend, there is no need to contact them until Monday morning. However, it would be good to review Annex B to make sure all former VIs are listed and their management structure is correctly identified. This will allow preparations to be made for contact on Monday.

[@Simpson, David \(DAERA\)](#) will be sending you the bespoke template letter for former VIs within your staffing hierarchy.

Thanks

P

Mark O'Donnell
Deputy Secretary, Strategic Planning &
Corporate Services



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department of

**Fairmin, Environment
an' Kintra Matthers**

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22 July 2026

Dear colleagues,

PROPORTIONATE PAY DEDUCTION

1. Since **1 May 2026** some staff have been participating in a course of industrial action short of a strike which amounts to a material breach of their terms and conditions of service. The Management response to the industrial action short of a strike has to date been measured and driven by the impact on the business.
2. In line with the Guidance on Industrial Action in the NICS, a range of measures is available to management to protect the level of services provided by DAERA. These include restriction of leave, suspension of Flexible Working Hours schemes, pay deductions and the introduction of Temporary Relief from Duty.
3. In light of the instructions issued by NIPSA calling for continuing industrial action and the plans to continue that action, the Department's Top Leadership Team has decided that any member of staff who is not willing to perform the full range of duties

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

in their grade or refuses to carry out a reasonable management request will not receive full pay. This decision has not been taken lightly.

4. I must now remind each member of staff that they have an obligation under their contract of employment to carry out a duty which is within the normal range of duties appropriate to their grade (including those of a lower grade) and to carry out a reasonable management request as and when required to do so. Any member of staff not prepared to fulfil these obligations will be considered in breach of their terms and conditions of service.
5. The Top Leadership Team has determined that the refusal to undertake the duties forming the current Veterinary Officer, Divisional Veterinary Officer and Senior Principal Veterinary Officer action short of strike, including duties which the Department considers to be contractual obligations and reasonable management requests, represents a material breach of contract. The duties forming the current Veterinary Officer, Divisional Veterinary Officer and Senior Principal Veterinary Officer action short of strike are:
 - a) on call rotas;
 - b) TARDIS and online training courses;
 - c) training of Agency staff and any new permanent staff (including DAC staff), including buddy training, support and practical guidance;
 - d) all duties associated with PVP TB supervision;
 - e) approval processes (including theory tests) for new TB testers, including PVPs, Agency staff and new permanent staff;
 - f) all engagement in relation to any “out of hours” response;
 - g) data entry relating to any form of time task recording for Field Vets;
 - h) completion of Support Health Attestations (SHAs);
 - i) data entry onto the “Chronos” system;
 - j) all “on farm” TB testing;
 - k) TB breakdown epidemiological investigation and reporting processes by Field Vets;
 - l) Common Health Entry Document (CHED) validation processes; and

OFFICIAL SENSITIVE

- m) any additional or current individual project work undertaken by frontline Portal Vets.
6. From and including **1 August 2026**, any member of staff who refuses to undertake the duties specified above will have withheld from their pay an amount equivalent to 25% of their daily rate of pay on each day that such a breach of terms and conditions persists.
 7. Such reduction in pay is not regarded as constituting the application of the disciplinary procedures.
 8. Whilst I acknowledge that most members of staff have been fulfilling their contractual obligations over the period of the industrial action, I believe that it is right that all Veterinary Officers, Divisional Veterinary Officers and Senior Principal Veterinary Officers in Veterinary Service Animal Health Group should be made aware of the intended action.
 9. It is important that those members of staff who are taking part in industrial action short of a strike should now give serious consideration to their position in this matter in advance of **1 August 2026**.
 10. The Department does not take this step lightly, but has a responsibility to ensure that public funds are managed appropriately and that remuneration paid to staff reflects the performance of contractual duties, in order to discharge its obligations in relation to the proper, regular and efficient use of public money.
 11. The Department remains committed to constructive engagement with NIPSA and staff representatives in an effort to resolve the current dispute.

Yours sincerely



MARK O'DONNELL
Deputy Secretary, Strategic Planning & Corporate Services

GUIDANCE ON INDUSTRIAL ACTION IN THE NICS

(VERSION 5: 14th April 2023)

GUIDANCE ON INDUSTRIAL ACTION IN THE NICS

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GUIDANCE ON INDUSTRIAL ACTION IN THE NICS

EXECUTIVE SUMMARY

The ***Guidance on Industrial Action in the NICS*** provides a broad framework on dealing with industrial action. While the Guidance is by necessity detailed, the main areas covered in each section of the Guidance are summarised below for ease of reference.

Section 1 introduces the Guidance; highlights the importance of its application in achieving uniformity across the NICS when managing NICS-wide industrial action and sets out the overarching aims for managers.

Section 2 describes some of the key legal requirements relating to industrial action, including notice of ballot and subsequent industrial action which a Trade Union must send to NICS as the employer. The section also describes how taking part in a strike constitutes a breach of contract and how action short of a strike e.g. *work to rule* or *withdrawal of goodwill* might breach certain broad contractual obligations.

Section 3 highlights how to handle requests for facilities time and/or the use of NICS facilities received from Trade Union Accredited Representatives. It reminds managers of their responsibility to ensure that, in the event of industrial action, work for which they are responsible is maintained as far as possible. Reference is also made to Departmental Contingency Plans which may need to be activated to deliver critical elements of Departmental services. The Section also highlights the requirement for staff to carry out not only those tasks and activities falling within the competencies of their grade but, in addition, any other *reasonable* management request. Finally, the importance of communications with NICS staff; with the Trade Union(s) concerned and between Departments is highlighted.

Section 4 sets out the importance of managing information during industrial action both within Departments and corporately at NICS level. Departments will need to provide information to their respective Boards as quickly as possible on issues such as:

- the number of staff on unauthorised absence;
- the impact of industrial action on the provision of Departmental services; and
- the number of buildings picketed; and the number and conduct of pickets at each location.

An Industrial Action Monitoring and Reporting Checklist is included at **Annex A**. In addition, People and Organisational Development (People & OD) needs a departmental return on each day of the strike providing the above information at departmental level. People & OD will collate these returns to provide a summary analysis to the NICS Board.

Section 5 classifies the categories of industrial action that can be taken. It highlights the ‘no work no pay’ principle for staff on unauthorised absence during a strike and details some of the forms of action short of a strike and an overview of how these may be handled. The Section also sets out the laws around picketing and how excess numbers of pickets; attempts by pickets to prevent free access to a NICS building or to intimidate NICS staff should be handled.

Section 6 gives more detail on how management responds to industrial action and of the need in particular for managers to record unauthorised absence on HRConnect so that appropriate deductions can be made from salaries as soon as possible. (**Annex G** shows HRConnect guidance on Recording Unauthorised Absences). The Section then details a suite of potential responses to the forms of action short of a strike which were set out in **Section 5**. The requirement for these responses to be carefully considered in the specific circumstances and to be applied consistently once a decision on action has been taken is highlighted in particular. The potential responses set out in this Section include:

- restriction of leave;
- suspension of Flexible Working Hours Schemes;
- proportionate pay deduction; (Further detail and template letters is at **Annex D**);and
- temporary relief from duty (Further detail and template letters is at **Annex E**).

Section 7 gives more detail on the administrative action needed (and consequences of) industrial action. It highlights the importance of notifying staff in advance of the consequences of partaking in industrial action (a draft note to staff is at **Annex F**: this will be actioned corporately for industrial action which is NICS – wide). More detail is given on how managers can identify staff taking industrial action to allow them to subsequently record unauthorised absence on HRConnect and on how this will impact on pay; allowances; national insurance contributions and back pay. The action to be taken for staff on sick leave is also included here.

In addition, more guidance is given on approving leave (annual; special and flexi with more detail at **Annex B**) during periods of industrial action, especially if the industrial action taken is intermittent and on the effects of industrial action on qualifying service for pensions; annual leave allowances; probation; deputising and temporary promotion.

The Section also highlights what to consider before deciding on whether to suspend Flexible Working Hours and what to do if this decision is taken. (Further detail and template letters for individuals and business areas is at **Annex C**).

SECTION 1: INTRODUCTION

Purpose

- 1.1 The purpose of this guidance is to provide a broad framework for managers on dealing with industrial action. References to Departments or Permanent Secretaries should be interpreted as including Agencies and Chief Executives with delegated authority for human resources (HR) matters. The guidance is designed to allow some measure of Departmental discretion so that judgements can be made taking account of local circumstances. It therefore avoids prescribing particular lines of action, except where fundamental principles are involved, e.g. stoppage of pay for unauthorised absence, or where NICS-wide uniformity of practice is essential. It is important to emphasise that many aspects of dealing with industrial action hinge upon legal advice relating to the particular circumstances applying at the time. Where the industrial action has a NICS-wide impact, the Industrial Relations Policy team in People and OD , Department of Finance (DoF), will act as a conduit for seeking and disseminating legal advice. If the action is restricted to one Department, they will use their own contact in the Departmental Solicitors Office for advice.

Broad Aims

- 1.2 The following broad aims should be paramount for managers:
- (i) to maximise the opportunities to resolve disputes without industrial action;
 - (ii) to maintain the continuity of Government business and services to the public;
 - (iii) to avoid, as far as possible, actions which might prejudice future industrial relations; and

- (iv) to maintain fair and proper standards of management practice. These should be consistent and in line with the Standards of Conduct policy (6.01 in the HR Handbook). It must be clear to staff what is and what is not acceptable conduct and the consequences of actions which are not acceptable.

1.3 Industrial action can take place across the NICS, or be limited to particular business areas in one, or more Departments. Details on the forms of industrial action are given in Section 5 of this guidance.

SECTION 2: SUMMARY OF LEGAL BACKGROUND TO INDUSTRIAL ACTION

Introduction

- 2.1 This Section explains some of the key legal concepts and provisions which managers should be aware of in their approach to dealing with industrial action.

Background to Union Ballot on Industrial Action

- 2.2 The *Code of Practice on Industrial Action Ballots and Notice to Employers* provides practical guidance to trade unions and employers on the conduct of trade union industrial action ballots. A failure to satisfy the statutory requirements relating to the ballot or to give employers notice of industrial action will give grounds for proceedings against a union.

When a Union Ballot Should Be Held

- 2.3 A union should hold a ballot on industrial action only if it is contemplating the organisation of industrial action. According to the Code, a ballot should not take place until any agreed procedures, whether formal or otherwise, which might lead to the resolution of a dispute without the need for industrial action have been completed.

Union Notification of Ballot to Employer

- 2.4 To protect a trade union from possible legal action (for inducing staff to break their employment contract) a ballot on industrial action among members must be held before any industrial action is called. For a ballot in which NICS staff will be entitled to vote as union members, the union must ensure that the NICS receives notice of the ballot **no later than the 7th day before the intended opening day of the ballot** (i.e. the first day on which a voting paper is sent to any person entitled to vote). Such notices are usually sent to the Permanent Secretary of the Department(s) concerned, although where the proposed action is NICS-wide, notice may be issued to the DoF Permanent Secretary on behalf of all NI Departments.
- 2.5 Notice of the ballot must:

- State that the union intends to hold the ballot;
- Specify the date which the union reasonably believes will be the opening day of the ballot; and
- Include information that will enable the NICS to readily deduce:
 - the total number of employees concerned (i.e. those whom the union reasonably believes will be entitled to vote in the ballot);
 - the categories of employee to which they belong;
 - the number of employees concerned in each of these categories;
 - the workplaces where the employees concerned work; and
 - the number of them at each of these workplaces.

2.6 In practice, the union notice may well refer to the employees concerned as employees where the NICS makes deductions from wages representing payments to the union (known as 'check off'). This will enable the NICS to identify the information required on HRConnect. Where only some of the employees concerned pay union contributions through their pay, (check off), the union notice may refer to employees who pay by check off as well as providing separate information for those who do not.

Sample Voting Paper

2.7 The union must also ensure that the employer receives a sample voting paper no later than the 3rd day before the ballot opens. If this is available in time, the union may well include this with the notice of intention to ballot.

Informing Employer of Ballot Result

2.8 A union must, as soon as is 'reasonably practicable' after holding an industrial action ballot, inform the employer of:

- Votes cast in the ballot;
- Individuals answering 'Yes' to the required question(s);
- Individuals answering 'No' to the required question(s); and
- Spoiled voting papers

The union must notify the employer of the ballot results before giving the seven – day notice of intended industrial action set out in paragraph 2.10.

Starting Industrial Action

- 2.9 If the inducement of industrial action to which the ballot relates is to be capable of being protected by the law, some part of the action must be induced and start to take place **within 4 weeks from the ballot date** i.e. the last day on which votes could be cast. The union and the employer can however agree to a longer period **not exceeding 8 weeks**.

Notice of Industrial Action

- 2.10 Where a ballot shows a majority of **voting** members in favour of industrial action, and the union then decides to authorise or endorse industrial action, any resultant action must be notified to the employer, **no later than 7 days before the industrial action begins**. The notice should specify in particular whether the action will be continuous or discontinuous; the date on which the action will commence (if continuous) or the dates on which staff will be called to take part (if discontinuous) together with similar details of the staff who will be called on to participate as referred to in paragraph 2.5. People & OD will seek legal advice on the validity of the notices where necessary. When continuous action is suspended e.g. for further negotiations between the employer and the union, the union must normally give the employer a further notice before resuming the action.

Contract of Employment

- 2.11 There is, in any employer/employee relationship, an implied obligation that the employee is ready and willing to work. The relationship between civil servants and the employing Department is contractual. The express terms of contracts are found in individual letters of appointment and the HR Staff Handbook. These terms provide details of the associated obligations placed on both the civil servant and the employing department under the employment relationship.

Breach of Contract

- 2.12 Taking part in a strike constitutes a breach of contract. It can be more difficult to determine whether industrial action short of a strike would also constitute a breach of contract. However, where industrial action takes the form of a 'work-to-rule', 'withdrawal of goodwill' or 'go-slow', certain broad implied contractual obligations of 'good faith' or co - operation might be breached. Further details are given in Section 5 of this guidance.
- 2.13 Most jobs in the NICS are in general service grades with generic tasks and functions. Staff are expected to comply with reasonable management instructions provided they have the skills and have received any training necessary to perform any tasks allocated to them. In respect of specialist posts, reference may have to be made to advertisements, job specifications and job descriptions, as appropriate. Where there is doubt on what constitutes reasonable management instructions particularly on the potential for working at a different grade, NICS HR can be contacted for clarification. Legal advice can be sought where necessary. Further detail is at paragraph 3.5.
- 2.14 Industrial action in the NICS is not normally treated as a disciplinary offence. This does not, however, prevent a Department from exercising the remedies open to any employer (such as withholding pay or pay related benefits, temporarily relieving staff from duty without pay etc.) for as long as an employee fails to perform his or her obligations to work normally under their contract.

SECTION 3: PREPARING THE GROUND

Introduction

- 3.1 One of management's main responsibilities is to ensure the continuation of normal working. In situations where there is the potential for industrial action management needs to take whatever action is possible in the circumstances, to reduce the risk of such action taking place. Industrial action can vary from localised disputes at branch level to major NICS-wide disputes. This section describes ways in which preparations can be made to respond to industrial action before and during any action.

Facilities Time and the Provision of Facilities

- 3.2 If industrial action is being considered, there may be requests from Trade Union Accredited Representatives for facility time off and/or for permission to use official premises for union meetings. The Trade Union Arrangements policy (6.08 in the HR Handbook) provides guidance on facilities time and the provision of facilities. Paragraphs 8.1j and 20.1 of the policy explain that facilities and facilities time will not be provided for activities consisting of the detailed planning for or the specific implementation of a decision to take industrial action or hold protest meetings. Requests from Trade Union Accredited Representatives for facility time off or for the use of official premises to hold meetings to plan or implement industrial action should therefore be declined. Managers should also refuse requests for facilities time or the use of facilities which are considered unreasonable e.g. time for union accredited representatives to visit offices or to make prolonged use of the telephone, use of email, notice boards etc. where the purpose of such activity is to promote support for industrial action from staff who are working normally.

Union Members Attending Union Meetings

- 3.3 Paragraph 15.2 of the Trade Union Arrangements policy sets out the reasons for which reasonable requests for time off with pay may be granted to union members to attend union meetings. These do not include meetings to plan or implement industrial action. However paid time off may be granted for a

meeting to consider whether to support or to continue to support industrial action if it is judged that the granting of permission for such a meeting might potentially help to prevent or stop the industrial action being taken. Managers can seek advice from People & OD if required. The timing of meetings should be such as to minimise the effect on the work of the department as detailed in paragraph 15.3 of the policy. As per paragraph 15.4 of the policy, where a flexible working hours system is in operation, the appropriate credit should be allowed for attendance at any such meeting.

- 3.4 Paragraph 26.2 of the Trade Union Arrangements policy states that Trade Union Side should not use the internal distribution and internal email systems for any purpose related to the trade union activities listed in Annex 3 of the policy. This includes industrial action and the union facing activities detailed in Table 2.

Reminding Managers of their Responsibilities

- 3.5 In the event of industrial action, managers should ensure that, as far as possible, work for which they are responsible is maintained. This may involve re-allocating work or improvising in other ways. Where some staff are taking industrial action, but others are working normally, the latter may be called upon to undertake work which they would not normally carry out, but which is appropriate to their grade or a lower grade. Due to their management role, managers may be expected to carry out, not only the duties of the grade they supervise, but other general tasks essential to the work for which they are responsible. As detailed in paragraph 2.13, staff must have the skills and received any training necessary to carry out such work.

Being Prepared for Industrial Action

- 3.6 Whatever steps are taken to reduce the risk of industrial action, Departments must still be aware of the possibility of such action taking place, either because of factors outside of their control, or where intractable problems make it impossible for disputes to be settled without industrial action. In this context, it is vital that Departments keep their local managers informed of the general

approach to be adopted towards industrial action and of any immediate action that should be taken within the manager's own area of responsibility when industrial action of any kind occurs. Such action may include any or all of the following set out in Sections 3.7 to 3.13.

Assessment of Industrial Relations Situation

- 3.7 Once industrial action has started, decisions will need to be taken on the ongoing management of the dispute, including the use of contingency arrangements, coping with picketing and/or incidents of perceived intimidation.

Contingency Plans

- 3.8 All Departments should have contingency arrangements to deliver as much Departmental business as possible during industrial action. Of necessity, these arrangements are tailored to meet specialised or statutory needs and are generally to do with working methods. An important factor is the need for management to keep the critical elements of the operation running. However, there are obvious difficulties in relying on less staff to maintain a service if the strike is protracted.

Supplements to Contingency Plans

- 3.9 It may be advisable to ensure that, in advance of using the management responses described in Section 6, where appropriate, procedural instructions for key tasks are drawn up so that different staff can carry out these tasks.

Reallocation of Work/Redeployment of Staff

- 3.10 It may in certain circumstances be possible to mitigate the effects of industrial action by reallocating work or redeploying staff. Consideration should however be given to the risk that such measures might escalate the dispute to other areas.

Ensuring Maintenance of Essential Services and Security

- 3.11 In the event of industrial action every effort must be made to ensure the security of official premises and property and the continued delivery of mail and supplies.

Communications

- 3.12 Good communications are especially important at a time of actual or threatened industrial action. People & OD will liaise with DoF's Communications Team on interaction with the media on NICS-wide industrial action and will also alert HRConnect on the potential for adjustments to pay. Other key areas are as follows:

(i) with Trade Union

It must be explained clearly to the Trade Unions involved why any demands cannot be met. It may also be necessary to consider explaining the issues and especially management's standpoint in relation to them, directly to the staff concerned. In such cases, it is good practice to inform the unions concerned in advance of any written communication being issued to staff.

(ii) with Staff

Line management should maintain informal lines of communications as far as possible with staff participating in industrial action and should ensure that the industrial action does not impact on their working relationships with individual staff. It is important that management should be able to demonstrate that staff have been warned in advance of the consequences of taking industrial action (see para 5.8).

(iii) between Departments

Where a dispute is initially confined to one Department, it is important that other Departments are kept informed, particularly where accommodation is shared; or staff of another Department work in close proximity and where other Departments may be expected to have related problems. The responsibility for this will lie with the appropriate Department.

SECTION 4: REPORTING INDUSTRIAL ACTION

Early Warning of Local/Departmental Action

- 4.1 Departments are asked to inform their HR Business Partner immediately they become aware of the extent and form of any industrial action proposed or already taken by their staff. Early notification of whatever information is available is particularly important in the case of a strike or other industrial action which is likely to have a significant effect on services to the public. This will enable HR Business Partners to inform and work with the Industrial Relations Policy Team in NICS HR to consider the implications for central industrial relations and the impact on the NICS overall. Where the industrial action is confined to a department, responsibility for briefing the Departmental Minister rests with that Department.

Wide Scale Industrial Action

- 4.2 Where wide scale industrial action is in progress, the IR Policy Team in People and OD will contact the relevant Permanent Secretaries in advance to nominate contacts for their respective Departments who will be responsible for providing information to the team on each day on which industrial action takes place. Details of Departmental contacts should be emailed to industrial.action@finance-ni.gov.uk as early as possible in advance of the commencement of industrial action.
- 4.3 The template provided at **Annex A** should be used for departmental returns to People & OD. Returns showing the number of NICS staff on unauthorised absence should include all secondees from each department. Recruitment Agency staff should **not** be included on the returns, however the relevant Recruitment Agency should be informed of Agency staff on unauthorised absence so that their pay can be adjusted appropriately.
- 4.4 Only one report is required on each day of a strike. Reports should be sent by **12.15 pm** and earlier if at all possible to industrial.action@finance-ni.gov.uk. People & OD will use these departmental returns to provide composite reports to the NICS Board and as a basis for responding to media enquiries.

Comments on picketing should only be included in the returns of those Departments with premises responsibility for the affected building(s). Information provided should be factual and not include personal details regarding individuals who may be picketing.

SECTION 5: IDENTIFYING FORMS OF INDUSTRIAL ACTION

Introduction

- 5.1 This section describes a range of types of industrial action and indicates which management responses may be appropriate in particular circumstances. Detailed guidance on the application of those responses and the procedures involved is given in Section 6.

Categories of Industrial Action

- 5.2 Industrial action can take many forms, the extent and impact of which will often depend on the causes and issues at stake in particular disputes. Despite the variety of forms which industrial action may take the nature of such action can be classified into eight distinct categories as follows:

Official	or	Unofficial
Strike	or	Action short of a strike
NICS-wide	or	Departmental
Primary (action directly about Civil Service terms and conditions)	or	Sympathetic (action in connection with a dispute not related to Civil Service terms and conditions)

The appropriate management response may depend on the category of industrial action. Any industrial dispute may raise wider issues which are also discussed in this Section.

Official Industrial Action

- 5.3 Official industrial action is that authorised or endorsed by the trade union concerned. To enable a trade union to call for industrial action without fear of being sued through the courts, the union must give employer(s) notice of the intention to hold a ballot; the results of the ballot and advance notice of any industrial action to be taken. These actions are set out in more detail in Section 2.

Unofficial Industrial Action

- 5.4 Unofficial industrial action, i.e. action which is not authorised or endorsed by a trade union, usually takes place spontaneously or at least with little advance notice and could take the form of a strike or action short of strike. It may be initiated at local or branch level in response to particular issues and may sometimes form part of a wider co-ordinated campaign. An urgent approach by management to a union representative of staff participating in industrial action should be made in an attempt to resolve the matter.

Strikes and Unauthorised Absence

- 5.5 Striking is treated as unauthorised absence. NICS staff who strike are not entitled to receive pay for their absence nor will it be reckonable for pension purposes, annual leave entitlement etc. As a general rule any NICS staff absent without authority should automatically lose pay. It is essential that the principle of 'no work no pay' should be maintained as firmly as possible.
- 5.6 Staff in offices operating Flexible Working Hours (FWH) arrangements should, as far as possible, be treated comparably with other staff. This means that for staff who absent themselves without authority from duty for a full day or part of a normal day, or fail to perform their duties by reason of industrial action to the extent that either proportionate pay deductions or temporary relief from duty is applied, FWH arrangements should be suspended for the whole day for these staff and notional conditioned hours applied.
- 5.7 When a strike is expected, Departments will not want to add to their own difficulties by having more staff on leave than can be avoided. Therefore, new applications for annual leave or FWH credit leave should only be granted where to do so would not interrupt services to the public or the flow of Government business. Longstanding applications granted earlier should be allowed. Paragraphs 7.7 - 7.12 give further information on FWH and more detail on annual leave during industrial action is at paragraphs 7.17 - 7.23.

- 5.8 All staff who are likely to participate in industrial action must be informed in advance of the consequences of unauthorised absence, especially those set out in paragraph 5.5. A draft notice for staff is at Annex F. People & OD will arrange issue of the notice to staff when there is NICS-wide industrial action. (see also paragraph 7.2).

Intermittent (Discontinuous) Strikes

- 5.9 Where staff strike for part of the day or week on a regular or reasonably frequent basis whilst working normally for the remainder of the period, it may be appropriate to use the Temporary Relief from Duty (TRD) procedures (see paragraph 6.18 and Annex E). For the majority of full-time non-industrial Civil Servants, pay is related to a specified number of hours of attendance per week known as 'conditioned hours'. If staff strike for part of the day or week they are in breach of contract. Thus the employer may be entitled to apply TRD in response to intermittent strikes and to withhold pay for as long as the employee continues to fail to work normally in accordance with the terms of the contract on a regular or reasonably frequent basis.

Industrial Action Short of a Strike

- 5.10 Concerted industrial action short of a strike has increased as a form of union sanction because staff believe they may continue to receive pay. However, even relatively mild action can cause severe disruption. Action 'short of a strike' may include, for example, 'working-to-rule'; selective working; working to priorities other than those assigned by line managers; or refusing to engage in particular activities. Industrial action short of a strike may also be associated with formal strikes, in a refusal before and after a strike to co-operate in mitigating its impact. In such circumstances either proportionate deductions from pay (Section 6.16 and Annex D) or Temporary Relief from Duty without pay (Section 6.18 and Annex E) might be an appropriate managerial response. A response along any of these lines should not be initiated lightly by a department. Since the action short of a strike is often specifically designed by a trade union to be within the employee's contract of service it may be difficult for the employer to invoke sanctions which are lawful. Before taking

managerial action, advice should be sought from the HR Business Partner on whether legal advice is necessary on whether staff are in fundamental breach of their contracts of employment.

Bans on Overtime

- 5.11 Bans on overtime are a form of industrial action and where regular (and particularly rostered) overtime is worked and is the subject of specific staff regulations, a refusal to undertake it could be a breach of contract.

Working to Rule/Going Slow

- 5.12 In areas where, of necessity, there are detailed instructions about the way in which a task should be done, working to rule offers considerable scope for disruptive action. Managers will need to establish the extent to which staff are deliberately applying an over-rigid interpretation (or misinterpretation) of rules and instructions with the aim of creating maximum disruption. If such activities amount to a breach of contract, Temporary Relief from Duty (TRD) may be appropriate.

Wilful Disruption (eg Selective Working)

- 5.13 It is necessary to consider whether or not the intention is to wilfully disrupt the employer's business or merely involves a withdrawal of goodwill. Where there is wilful intent to disrupt the employer's business, such action could amount to a breach of contract. Selective working may be a refusal to undertake certain tasks or a refusal to operate new working procedures. In response to any such action, TRD or proportionate pay deductions may be appropriate. It should be stressed that these responses should be invoked only in circumstances where the effect of the disruption caused amounts to a breach of contract. In other cases it may be possible to specify in advance to the staff involved the duties to be undertaken and when. Failure to comply with such instructions given in advance may then amount to a breach of contract. Proportionate Pay Deduction or TRD may then be appropriate.

Sit-Ins

- 5.14 In normal circumstances employees use their employer's premises with their express or implied authority. However, if employees, or third parties, occupy premises for a sit-in and this authority is withdrawn they will become trespassers, whether or not the sit-in is in furtherance of a trade union dispute.

The first step in any attempt to remove people involved in a sit-in should always be to instruct them to leave the premises. Although an employer has no legal right to use force to re-enter the premises, having re-entered peacefully the employer has a legal right to eject trespassers who refuse to leave, using no more force than is reasonably necessary to remove them. Departments should always consult with People & OD who may seek legal advice, before any action of this nature is taken. The police will generally be prepared to intervene only if they have reason to expect a criminal offence on the premises or a breach of the peace.

A sit-in by employees during which no work is done is the equivalent of unauthorised absence and should be unpaid. This should be made clear to staff or unions who indicate their intention to participate in such action. If a sit-in takes place, managers should identify those staff that take part and ensure that pay is stopped for the period concerned.

Picketing and Intimidation

- 5.15 Peaceful and orderly picketing is lawful as long as the picketing is at or near the pickets' own place of work and that the purpose of the picketing is to peacefully obtain or communicate information or persuade a person to work or not to work. Pickets should ensure that activities do not cause distress, hardship or inconvenience to members of the public who are not involved in the dispute. Any attempts at intimidation/harassment/violence by NICS staff on picket lines may result in disciplinary action being taken against those responsible. Where Departments believe that picketing involves excess numbers, or that attempts have been made to prevent free access to the

building or to intimidate members of staff who are prepared to work normally, officials from the union concerned should be alerted. Management should speak to the person (usually a trade union official) who is in charge of the picket line and who should have close contact with their own union office. If the situation is not quickly controlled, the local police should be contacted. The police should be asked to make every effort to ensure that access to the building is not impeded and that staff receive any necessary protection against intimidation or assault. Departments are recommended to nominate one officer in each building as the sole person responsible for notifying the police if picketing gets out of hand.

- 5.16 Staff who are prepared to work normally should be encouraged not to be deterred by pickets from entering their offices and carrying on with their duties, providing their own safety is not in danger. Legally, a picket cannot require other people to stop, compel them to listen or do what a picket asks them to do. A person who decides to cross a picket line must be allowed to do so. Interference by pickets operating in a peaceful and orderly manner must not be accepted as a legitimate excuse for non-attendance.
- 5.17 NICS staff who want to raise a complaint against a specific individual on the picket line who is a member of NICS staff should contact NICS HR Employee Relations in the usual way. It should be noted that, if a complaint is received against a union official who is not a member of NICS staff, this will be passed to the relevant union to investigate and impose disciplinary action if necessary. The criminal law applies to pickets just as it applies to everyone else

SECTION 6: MANAGEMENT RESPONSES TO INDUSTRIAL ACTION

Introduction

- 6.1 The managerial response to any form of actual or threatened industrial action should, as far as possible, seek to achieve the broad aims set out in paragraph 1.2.

- 6.2 All that is reasonably possible and practicable should be done to avoid disputes developing to the point where industrial action occurs. The early stages in every dispute (e.g. that at which industrial action is threatened or being planned) are crucial and need especially careful handling.
- 6.3 Departments should consider any immediate action that should be taken when industrial action of any kind occurs within the Department. Such responsive action may include any of the following, with reference as appropriate to any existing Departmental contingency plans; HR Business Partners and People & OD:
- (a) administrative action to report the event (Section 4); record absence (para 6.6); and to ensure the security of official premises and property;
 - (b) steps to inform the staff concerned in the dispute of the issues involved; and other managers handling the dispute of the staff and unions participating;
 - (c) steps to mitigate the effects of the industrial action, such as reallocation of work (Section 3.10);
 - (d) steps to help resolve the dispute, e.g. by trying to negotiate a settlement, which would normally be conditional upon an undertaking to resume normal work;
 - (e) steps to influence the industrial action itself with a view to encouraging a return to normal working and/or to conserve public funds such as stoppage of pay; proportionate pay deduction or Temporary Relief from Duty.

Disciplinary Action

- 6.4 Industrial action is not normally the subject of disciplinary action in the Civil Service.
- 6.5 However, a Civil Servant might also participate in a strike or industrial action short of a strike in connection with a dispute which is not related to the NICS i.e. ('sympathetic' industrial action). 'Sympathetic' industrial action is likely to be treated as a disciplinary offence and NICS staff who are absent without authority in support of industrial action not related to the NICS are liable not only to loss of pay and allowances, but also to disciplinary proceedings.

Strike Action

- 6.6 Where the industrial action comprises a complete withdrawal of labour the 'no work - no pay' policy applies. Managers should record unauthorised absences on HRConnect so that appropriate deductions can be made from salaries as early as possible. Guidance on how to do this is at Annex G.

Industrial 'keyers'/'inputters' should record the strike day on HRConnect as advised in Annex G. They should also enter the number of hours on strike against the appropriate day on the relevant timecard e.g. if they were on strike for 8 hours on 1st February they should record 8 hours 'unauthorised absence' against 1st February on the timecard.

Non – industrial managers should follow the guidance at Annex G to input unauthorised absences on HRConnect.

Overtime should be claimed as normal via HRConnect. If the strike day has been recorded on time, the system will recognise that the conditioned hours for that week have not been met and pay accordingly. If the strike action is delayed going onto the system and overtime is worked, the system will automatically recoup any monies overpaid when the strike day is entered.

Industrial Action Short of a Strike

6.7 Deciding on the appropriate Departmental response to industrial action short of a strike requires a careful judgement to be made about each case and about the implications for ultimate settlement of the dispute of any given response (including taking no action). In making such a judgement it may be useful to consider:

- a) the effects of the action: is it a 'work-to-rule' which reduces efficiency, or is it deliberately designed to frustrate all or part of the office's functions?
- b) the attitudes of media, the public, or political representatives: can each managerial response be defended in public?
- c) the extent to which some degree of managerial error or default may have given rise to, or inflamed, either the dispute or the ensuing industrial action.
- d) the costs and implications for the department of early escalation of the industrial action.

Possible Management Responses to Industrial Action

6.8 Steps which may be taken by management in response to industrial action by staff include:

- restriction of leave;
- suspension of Flexible Working Hours Schemes;
- Proportionate Pay Deduction; and
- Temporary Relief from Duty

- 6.9 Further detail on these options is given in the following paragraphs. Decisions on the most appropriate responses will generally be decided on a case by case basis and careful consideration needs to be given to the specific circumstances. However, once it has been decided to take action, this should be applied consistently to all staff participating.

Restriction of Leave

- 6.10 Under normal circumstances line managers are responsible for ensuring that leave (annual leave, paid and unpaid special leave, and flexi-leave) must not be approved if services cannot be maintained to an acceptable level. While the participation of some staff in industrial action may increase the need to limit leave, normal arrangements apply. As per paragraph 5.7, longstanding applications granted earlier should be allowed. If leave does however need to be restricted, restrictions can be applied on an individual basis, or across an entire business area.

Suspension of Flexible Working Hours Scheme

- 6.11 The provisions relating to the Flexible Working Hours Scheme (FWH) are set out in Annex 3 of the Alternative Working Patterns policy (3.10 in the HR Handbook).
- 6.12 The scheme gives flexibility to vary times of arrival and departure from work and to vary the length and timing of lunch breaks. However, there is an overriding principle that this flexibility should be achieved without adverse effect on the overall efficiency of the business or service to the public. At all times managers are responsible for ensuring that within their business area the FWH scheme does not operate to the detriment of their operational needs. For example the facility for staff to vary the length and timing of their lunch breaks is subject to operational requirements such as the need to maintain adequate staffing levels. Therefore there should be appropriate procedures (for example a rota system or cover arrangements with other areas) in place to ensure continuity of service.

- 6.13 Flexible working arrangements operate effectively when management and staff work together to ensure that no adverse impact on service delivery results. When this co-operation is affected (as it could be during industrial action) managers may have to suspend FWH either on an individual basis, or across entire business areas. The extent of any suspension should be carefully considered. For example, if lunchtime cover becomes a problem, FWH can be suspended over the lunchtime period only.
- 6.14 Annex C sets out the procedures to be followed once a decision to suspend flexible working arrangements has been made. Suspension of FWH must be business related and should not be used against an individual engaging in industrial action unless there is a business reason for doing so.

Proportionate Pay Deduction

- 6.15 Where a breach of contract has been established the 'no work - no pay' principle applies. Where an employee takes strike action there is no entitlement to pay during the period of the action.
- 6.16 An employee can also take industrial action short of a strike. This can involve refusing to perform any duty which is within the normal range of duties appropriate to their grade (including work of a lower grade) or refusing to carry out a reasonable management request. Where this occurs, a breach of contract exists. If management decides to accept this partial performance of the contract and the officer remains at work, a proportionate amount of pay should be deducted. Annex D sets out the procedures to be followed after a decision to reduce pay has been made. Pay deductions should only be implemented after consultation with People & OD.

Temporary Relief from Duty

- 6.17 Where management decides not to accept the partial performance of the contract, the officer is not entitled to any pay and should be temporarily relieved from duty. Annex E sets out the procedures to be followed. Temporary Relief from Duty should only be implemented after consultation with People & OD.

SECTION 7: ADMINISTRATIVE CONSEQUENCES OF INDUSTRIAL ACTION

Introduction

- 7.1 When an individual (i) is absent without authority through industrial action, (ii) has been temporarily relieved from duty or (iii) subjected to one of the other management responses set out in Section 6, a number of administrative consequences will follow. This Section provides further guidance on these.

Advance Notice to Staff of the Consequences of Taking Industrial Action

- 7.2 In the event of industrial action, it is important that management should be able to demonstrate that staff have, as far as possible, been warned of the consequences of their action. Where practicable, staff should be informed in advance of the effect of such action on their pay, allowances and other terms and conditions of service. Departments should also inform the relevant trade union of any consequential action being taken. A draft notice to staff covering NICS-wide industrial action, which can also be adapted for Departmental use if required, is provided at Annex F.

Identifying Staff Taking Industrial Action

- 7.3 Departments should arrange for managers to identify those staff involved in industrial action. If staff who are not taking industrial action are away from their usual place of work, or are not verified as working from home as part of hybrid working, it is their responsibility to inform management if they are on duty elsewhere, are on sickness absence, or have other good reasons for their absence. Staff without legitimate reasons for non-attendance must be assumed to be taking industrial action and should be treated accordingly. At times when transport difficulties (or other emergencies making it difficult for staff to get to work) coincide with periods of industrial action in the NICS, all staff who do not attend work should be asked to explain their absences. For further guidance on problems arising from transport difficulties see the Hours and Attendance Policy (3.11 in the HR Handbook).

Recording Participation in Industrial Action

- 7.4 Managers must ensure that unauthorised absences are recorded on HRConnect as soon as possible for pay purposes but within 5 working days. Details will be held by NICSHR where disciplinary action is taken against staff who participate in disputes which are not about their own terms and conditions (sympathetic action see para 6.5) and any misconduct occurring during the course of industrial action which results in formal disciplinary action being taken.

Pay Stoppage

- 7.5 Managers should determine the length of an unauthorised absence by reference to the normal attendance pattern of the staff concerned (for staff subject to flexible working hours arrangements - see paragraph 7.7). For the purpose of determining the amount of pay to be withheld, the intention is to treat the pay of staff absent as a result of industrial action in the same way as the pay of those who take an unpaid absence of some other kind, e.g. special leave without pay. As stated above, Departments should ensure that HRConnect is updated on the duration of individual unauthorised absences as soon as possible after they occur. See guidance at Annexes G and H.
- 7.6 For **weekly paid staff**, pay should be withheld in respect of Public and Privilege holidays occurring within the period of unauthorised absence, but not where they immediately precede or follow the period of unauthorised absence. For **monthly paid staff**, pay should be withheld in respect of Saturdays, Sundays, Public and Privilege holidays occurring within the period of unauthorised absence, but not where they immediately precede or follow the period of unauthorised absence. Scheduled rest days for staff working shift rotas should be treated in the same way as Saturdays and Sundays for staff working a normal 5-day week.

Flexible Working Hours (FWH)

- 7.7 Managers should aim to achieve the greatest possible consistency of treatment for staff normally covered by an FWH scheme and those who are not.
- 7.8 Annex 3 of the Alternative Working Patterns policy (3.10 in the HR Handbook) makes it clear that flexi credit leave of half or full day's duration and absences within core time, must be authorised as for annual leave. The determination of absence without authority in these circumstances is therefore clear.
- 7.9 Paragraph 2.1 of Annex 3 of the Alternative Working Patterns policy states that flexibility for staff on Flexible Working Time '*should be achieved without adverse effect on the overall efficiency of Departments or on service to the public*'. Clearly, concerted industrial action involving the absence of a high proportion of staff from an office during the flexible bands (i.e. outside core time which is defined in Annex 3 of the policy as the essential part of the day during which all staff should be present unless their absence is authorised by management) could cause disruption of the work. It is therefore particularly important that line managers ensure that sufficient cover is available during the flexible bands to maintain service provision.
- 7.10 Where there is concern that continuance of FWH arrangements could result in severe disruption to the business, FWH arrangements should be suspended for the whole day(s) on which industrial action occurs.
- 7.11 When FWH arrangements are suspended the amount of pay to be withheld for periods of unauthorised absence (and the effect on overtime, qualifying service, etc.) should be calculated in the same way as for other staff not covered by FWH arrangements. For each normal working day for which FWH arrangements are suspended, FWH records should be credited with the standard hours for one day as defined in the FWH Agreement.

Accordingly staff should be advised in advance that:

- (a) FWH arrangements may be suspended for the whole day(s) - on which industrial action is taken;
- (b) normal gross conditioned hours will apply on each such day; and
- (c) normal non-FWH times of arrival and departure from work will apply on each such day. These times should be specified. If necessary such times may be staggered for different groups of staff.

7.12 Normal non-FWH times of arrival and departure may be determined by reference to the times which:

- (a) applied to staff before the introduction of the FWH scheme; or
- (b) apply to other staff in the same location or department; or
- (c) best suit the needs of the work.

Allowances

7.13 During periods of unauthorised absence, allowances related to pay should be withheld in accordance with Section 7.5 of this Guidance. Allowances not related to pay (including excess fares, subsistence, lodging night subsistence, excess rent allowance) should be withheld only in respect of whole days of unauthorised absence; part-days absence should not be aggregated for this purpose. Where any allowance is calculated over a period of time (e.g. allowances expressed as an annual sum or based on rail season tickets in excess fares cases) it should be reduced pro rata. When determining the number of days of a qualifying period towards a reduced benefit (such as the replacement of night subsistence allowance by lodging allowance after 30 days) unpaid absence arising from industrial action should be included.

National Insurance Contributions

- 7.14 Class 1 earnings related National Insurance contributions may not be payable if due to an unauthorised absence a Civil Servant's earnings fall below the lower earnings limit for the relevant earnings period (a week or a month).

Back Pay

- 7.15 In the case of a retrospective pay award, arrears will not be paid for periods of unauthorised absence

Sickness Absence

- 7.16 A Civil Servant who:

- (a) is on sickness absence before the commencement of a strike at their place of employment; or starts a period of sickness absence during a strike in which they are not participating; may have the period of absence treated as sickness absence and be granted occupational sick pay provided the absence is covered by a Fit Note or by a self-certificate;
- (b) falls sick while on strike may not have the period of absence treated as sickness absence for the duration of the strike and will not, therefore, be eligible for either occupational sick pay or SSP even if the period of absence is covered by a Fit Note.

An officer who is excluded from SSP should be given Form SSP1 which sets out the reason(s) for exclusion. This will enable an officer to apply for benefit and for a formal decision on entitlement to SSP if he or she does not accept the employer's decision to withhold payment.

Granting of Annual Leave

- 7.17 Annual leave should not be granted for the purpose of taking part in industrial action. All other decisions on granting annual leave should be based on operational requirements.
- 7.18 In a period of industrial action it will normally be necessary to restrict the granting of annual leave to ensure the minimum disruption of work. The granting of annual leave in such circumstances could be difficult to justify, particularly if services to the public were to be further impaired. Annual leave may be granted, however, for pressing personal reasons unconnected with the strike and staff with leave previously authorised should not be required to cancel or to return from leave unless circumstances make this imperative. Any absence during the period of industrial action after the expiry of the period for which leave of absence was granted should be treated as unauthorised absence.
- 7.19 As a Civil Servant cannot be absent without authority and at the same time be on annual leave, all annual leave authorised for staff who strike is immediately cancelled and the whole period of absence (including any extending beyond the date on which industrial action officially ceases) should be treated as unauthorised. Annual leave should not be granted retrospectively to cover a period of unauthorised absence.
- 7.20 Staff who go on strike or are temporarily relieved from duty for three or more working days, either in succession or over a short period of time, are required to return to work before taking annual leave, even if this was approved before the ballot on industrial action took place. They should seek re-approval for the leave and they must work normally for a reasonable period of time before leave may be taken. All applications for leave in such circumstances will be considered on their merits at management's discretion. The length of the reasonable period will be left to management's discretion but, normally, should not be less than 5 working days if the person concerned has been on a strike for 5 or more working days. If the strike has been for less than 3

days, a renewed application for approval for leave may be sufficient. Exceptionally, where annual leave, which has been approved prior to any ballot for strike action, is due to begin immediately following the cessation of industrial action and the cancellation or deferment of such leave would result in demonstrable financial loss or serious domestic hardship, management may use its discretion on the requirement to return to work before commencing annual leave. However, renewed applications for approval should be required. It is important that the substance of this paragraph should be brought to the attention of staff before strike action occurs.

- 7.21 Staff who had not previously applied for annual leave, but on return from strike action wish to take annual leave shortly after, will be expected to apply in the normal way. The granting of leave should be on the same basis as in the preceding paragraph.
- 7.22 In approving or re-approving leave, Departments should be satisfied as far as possible that the individual does not intend to resume industrial action on return from leave.
- 7.23 Where appropriate, it should be made clear to staff, that the authorising of annual leave for all staff when normal working has been resumed will be at the discretion of management. In exercising this discretion, management should have regard to the overriding needs of the department and in particular the need to deal with backlogs of work.

Granting of Special Leave

- 7.24 Staff will not normally be allowed special leave, with or without pay, during a period when they are taking industrial action. Officers already on special leave at the commencement of a strike will not be regarded as on strike unless their entitlement to such leave expires and they fail to report for duty. All requests for special leave will be considered on a case by case basis.

Granting of FWH Leave

- 7.25 The same considerations for the granting of annual leave apply to the authorisation of FWH leave.

Maternity Pay

- 7.26 The qualifying conditions for contractual maternity pay are set out in the Maternity Leave policy (3.02 in the HR Handbook). If a woman takes an unauthorised absence, the period of such absence cannot count as paid service for the purposes of contractual maternity arrangements; so a woman will not be eligible for contractual maternity pay if her period of paid service would only total one year with the inclusion of the unauthorised absence.

Industrial Action by Civil Servants in Times of Transport and Other Difficulties

- 7.27 In times when transport difficulties, or other situations making it difficult for staff to get to work, coincide with periods of industrial action in the Civil Service, all staff who do not adhere to the arrangements for informing management of the difficulties should be asked to explain their absence. Staff without legitimate reasons for non-attendance must be assumed to be taking industrial action and should be treated accordingly.

Recording Staff Absences

- 7.28 Departments should arrange for managers to establish which staff are in attendance on the day of a strike; if they are away from their usual places of work, to find out whether they are on duty elsewhere, are on sickness absence, or have other good reasons for their absence. Staff who have been away during such a period should be asked to establish that they were not taking part in industrial action, for example, by producing a Fit Note (but see paragraph 7.16b). In order to avoid accusations of victimisation, managers recording absent staff should explain that they are doing so for records purposes e.g. for stoppages of pay, etc. of those on strike.

If overtime is worked during the same week as a strike starts to the extent that conditioned hours are fulfilled and no stoppage of pay affected, steps should

nevertheless be taken to ensure that a strike absence of one day or more is not counted as reckonable for pension purposes or annual leave entitlement.

Overtime and Unsocial Hours - Completion of Conditioned Hours

- 7.29 Overtime is payable (to staff in eligible grades) for hours necessarily worked in excess of weekly conditioned hours. The period of industrial action which is treated as unpaid unauthorised absence does not count towards the completion of conditioned hours and, therefore, any authorised 'overtime' which may be worked during a week in which there is industrial action must be used, in the first place, to make up the shortfall in weekly conditioned hours. Only the balance, if any, will be classified as overtime and attract payment in accordance with the appropriate rules. This applies equally to all disciplines of staff within the NICS including Industrial Staff.
- 7.30 Subject to the following modifications, the arrangements above should apply to participants in FWH schemes and to staff, e.g. some shift workers, where conditioned hours are worked irregularly and, therefore, are completed over periods of more than a week:
- (a) Participants in FWH Schemes - Any 'overtime' worked during a week in which there is industrial action should not be used to offset the shortfall in conditioned hours over the accounting period. However, by analogy with the above arrangements the number of 'overtime' hours equivalent to those treated as unpaid, unauthorised absence should attract payment at plain time rate.
 - (b) Staff working Irregular Conditioned Hours - For staff in this category any 'overtime' should be used, in the first place, to make up the deficiency in the number of conditioned hours which they had been rostered to work in the week in which the industrial action occurred, i.e. whether these are more, or less, than or the same as the full weekly conditioned hours of their grade. In all other respects, the provisions above should apply.

Saturday, Sunday, Bank and Public Holiday Attendance

- 7.31 When necessary, Saturday, Sunday, Bank and Public Holiday attendance falling during a week in which industrial action occurs will count towards the completion of weekly conditioned hours in accordance with the provisions. However, the premium rates applied to such days will be paid to members of overtime grades and for staff in non-overtime grades in accordance with the HR Handbook. In the case of Industrial staff arrangements specified in the relevant pay agreement for their grade and/or the department in which they are employed will apply.

EFFECTS ON QUALIFYING SERVICE

Pension

- 7.32 Unpaid absence resulting from industrial action should not reckon or qualify for pension purposes. Absences of less than a whole day should be aggregated. Additional hours worked on other days to make up the shortfall in weekly conditioned hours do not affect or cancel such absences.

Annual Leave

- 7.33 In accordance with the Annual Leave policy (3.07 of the HR Staff Handbook) unauthorised absence does not reckon towards a higher annual leave allowance. Similarly, such absence should not be treated as effective service when calculating the annual leave allowance due to an individual in a year in which an industrial action occurs. In accordance with the Annual Leave policy, such absences should be aggregated to determine the proportionate deduction which is to be made from the annual leave allowance for the leave year. When the period of industrial action spans two leave years, each leave year should be treated separately for this purpose and any leave taken in excess of the proportionate allowance for the first year should be deducted from the subsequent year's allowance. Staff should not be permitted to carry forward to the next leave year more than the permitted maximum of 9 days provided in the Annual Leave policy when the excess can be attributed solely to strike action. Where a carry-over of more than 9 days was authorised

under the policy prior to strike action, this authorisation may stand, provided that after recalculating the leave allowance due for the year, the amount carried forward does not exceed the original authorisation.

Probation

- 7.34 Unauthorised absence of one day or more is excluded from reckoning towards the probation period (Probation policy 6.10 in the HR Handbook).

Deputising/Temporary Promotion

- 7.35 For officers who are absent as a result of industrial action during a period of deputising/temporary promotion, the period during which they are absent should be treated in the same way as any other absence in applying the arrangements in the Payment for Temporary Service in a Higher Grade policy (8.09 in the HR Handbook). Any deputising allowance/temporary promotion allowance to which they may then be entitled for the day(s) in question should be withheld in accordance with Section 7.5 of this guidance.

ANNEX A

INDUSTRIAL ACTION MONITORING AND REPORTING RETURN	
Department	
Date:	
Number of staff absent without authority:	
*Number of buildings picketed:	
*Comments on Conduct/Number of Pickets:	
Impact of industrial action on service provision:	
Other information likely to attract significant media attention:	

*Where a building is occupied by more than one department, only the department with premises responsibility should provide the statistics and comments marked *.

GRANTING OF LEAVE DURING INDUSTRIAL ACTION

Annual Leave

1. It is policy that annual leave should not be granted for the purpose of taking part in industrial action. All other decisions on the granting of annual leave should be based on operational requirements. However, during a period of industrial action it will normally be necessary to restrict the granting of leave – annual and flexi – to ensure the minimum disruption of work.
2. Managers will need to consider all of the circumstances in their business area before making a decision on whether staff can be released on leave. Normally, leave may be granted for pressing personal reasons unconnected with the strike. Staff should not be asked to cancel previously authorised leave or to return from leave unless circumstances make this imperative.
3. All annual leave authorised for staff who strike should be immediately cancelled and the whole period of absence treated as unauthorised absence unless it is covered by the terms of the sick absence provisions

Special Leave

4. Staff will not normally be allowed special leave, with or without pay during a period when they are taking industrial action. Officers already on special leave at the commencement of a strike will not be regarded as on strike unless their entitlement to such leave expires and they fail to report for duty. All requests for special leave will be considered on a case by case basis.

Sickness Absence

5. A civil servant who:
 - (a) is on sickness absence before the commencement of a strike at their place of work; or
 - (b) starts a period of sickness absence during a strike in which they are not participating may have the period of absence treated as sickness

absence and be granted occupational sick pay provided the absence is covered by a Fit Note or by a self-certificate;

- (c) falls sick while on strike may not have the period of absence treated as sick absence for the duration of the strike and will not therefore be eligible for either occupational sick pay or SSP even if the period of absence is covered by a Fit Note.

GUIDANCE FOR SUSPENSION OF FLEXIBLE WORKING HOURS PROCEDURES

Suspending the Flexible Working Hours (FWH) Facility

1. The Alternative and Flexible Working Patterns policy (3.10 in HR Handbook) explains that the Flexible Working Hours Scheme can be suspended either on an individual basis or throughout a business area. The decision on the timing and extent of the suspension will ultimately rest with local managers who should consider all the options for managing operational requirements, including for example suspension only for a particular period, such as lunch-time. Where FWH has been suspended, managers should show discretion in light of individual circumstances where the strict application of standard times may cause hardship. It is important, however, to try and ensure a consistent approach.
2. Staff who refuse to operate normal cover arrangements (whether or not engaged in industrial action) are in breach of the FWH arrangements. They should be advised that they have been suspended from the FWH Scheme and will be required to work normal hours, with a 40 minute lunch break which should be staggered as agreed with the line manager. A pro forma is attached at Appendix 1 to this Annex which can be adapted by Departments for issue to such staff. A copy of the issued form should be retained by the line manager.
3. There may also be circumstances where staff working normally will nonetheless have to be included in a decision to suspend FWH, because the circumstances within their branch are such that this is the only way that operational needs can be met (e.g. where a large number of staff are on strike). The form at Appendix 2 to this Annex should be issued to those staff.
4. Managers will be required to monitor the time of arrival and departure of staff who have been suspended from the Scheme and to agree and monitor lunch breaks.

5. Managers should ask staff who arrive after; leave before normal starting times or do not adhere to the 40 minutes lunch for their comments, at the earliest opportunity and in writing if deemed appropriate. There may be staff who have a genuine reason for being late and account should be taken of this when determining further action. The names of staff who have breached normal conditioned hours should be noted, along with any comments they have made, pending further guidance from NICS HR Business Partners to consider whether any further action is required.

Part-Time Staff and Flexible Working Patterns

6. These provisions apply equally to staff who work reduced hours or non-standard work patterns (e.g. job sharers, part time staff).

Name:

Payroll No:

Branch:

Suspension of Flexible Working Hours Scheme

You have refused a request from your manager to _____

(Insert the details of the request: e.g., to maintain adequate cover over the lunch period).

You are therefore suspended from the Flexible Working Hours Scheme. You will be required to work normal conditioned hours from xx.xx to xx.xx and to take a 40 minutes staggered lunch break to be agreed with your manager.

Signed:

Date:

Name:

Payroll No:

Branch:

Suspension of Flexible Working Hours Scheme

The Flexible Working Hours Scheme has been suspended in:

Branch _____ because

(Insert the reasons e.g., the operation of normal conditioned hours is necessary in order to meet operational requirements)

All staff will be required to work normal conditioned hours from xx.xx to xx.xx and to take a 40 minutes staggered lunch break to be agreed with the manager.

These arrangements will be effective from :

Signed:

Date:

PROPORTIONATE PAY DEDUCTION (PPD) PROCEDURES

INTRODUCTION

1. The decision to use PPD procedures will be taken in the context of the guidance for managing industrial action. Once a decision to move to PPD has been agreed the steps set out below should be followed by management.
2. Departmental Trade Union Side should be advised of the decision to move to proportionate deductions from pay and the business areas impacted across the Department.

Step 1

Inform all staff in the business area concerned of intention to reduce pay

3. A letter should be issued advising all staff in the relevant business unit of their position should they refuse to carry out a duty that is within the normal range of duties appropriate to the grade (including those of a lower grade) or that represents a reasonable management request – a model letter is provided at Appendix 1 to this Annex.

Step 2

Inform local Trade Union Side (if necessary) of the intention to proceed to Proportionate Pay Deduction

4. Where there are local Whitley structures in place, managers should issue a letter advising the local Trade Union Side of the decision to move to reduction in pay – a model letter is provided at Appendix 2 to this Annex.

Step 3

Identify staff who are in breach of contract & Proportionate Pay Deduction has been decided as the appropriate response

5. Management should identify those staff who are not performing their normal duties. If the individual member of staff indicates that they are not prepared to perform their normal duties with immediate effect, Step 4 should be taken.

Step 4

Issue Proportionate Pay Deduction Final Notice

6. The specific duty (or duties) or function(s) that the member of staff has refused to carry out should be inserted into the final notice (see model letter at Appendix 3 of this Annex) from the Line Manager notifying relevant staff that an amount will be withheld from pay equivalent to [X] % of their daily rate of pay on each day that a refusal to carry out normal duties persists. This letter will take immediate effect and will continue to apply until such time as the officer indicates a willingness to perform normal duties and carry out reasonable management requests.
7. Owing to the standard wording of the final notice in Appendix 3, it is recommended that the letters are prepared in advance. This is particularly important if it is anticipated that large numbers of staff will be involved. Names, payroll number and details of the duty or duties refused can then be inserted as appropriate. A copy of the final notice issued to staff should be sent to HRConnect.
8. Following receipt of the final notice, staff who indicate that they are willing to carry out all normal duties and reasonable management requests when required to do so should be allowed to return to their duties immediately. However, it should be made clear that if subsequent actions constitute a further breach of contract the proportionate reduction in pay will be effective immediately, without a further final notice being served.

Step 5

Update HRConnect with the details of those staff whose pay is to be reduced

9. For pay purposes, line managers must input the proportionate reduction for those staff whose pay is to be reduced. Guidance is at Annex H.

Step 6

Issue Press Release

10. Departmental Press Officers will liaise with the business area concerned to prepare and issue a suitable press release where necessary explaining why the action has been taken.

Letter to all Staff in *[insert e.g. Department / Agency / Branch / Section]* informing them of the intention to deduct pay

From: *[insert Line Manager/Head of Branch as appropriate]*

Date: *[insert date]*

All Staff in *[insert relevant business area]*

PROPORTIONATE PAY DEDUCTION

Background

1. Since (insert date) some staff have been participating in a course of industrial action short of a strike which amounts to a material breach of their terms and conditions of service. The Management response to the industrial action short of a strike has to date been measured and driven by the impact on the business.
2. The notice issued to all staff on (insert date) advised staff of the range of measures that would be considered by management to protect the level of services provided by Northern Ireland Civil Service Departments and agencies. These included restriction of leave, suspension of Flexible Working Hours Schemes, pay deductions and the introduction of Temporary Relief from Duty
3. Where the industrial action taken by a member of staff does not represent a significant proportion of an officer's assigned duties, and the impact on the business is minimal, the most appropriate course of action is to reduce the amount of pay normally received.
4. In light of the latest instructions issued by (insert trade union) calling for continuing industrial action and the plans to escalate it, *[insert as appropriate – e.g. the Departmental Management Board]* has decided that any member of

staff who is not willing to perform the full range of duties in their grade or refuses to carry out a reasonable management request will not receive full pay. This decision has not been taken lightly.

5. I must now remind each member of staff that they have an obligation under their contract of employment to carry out a duty which is within the normal range of duties appropriate to their grade (including those of a lower grade) and to carry out a reasonable management request as and when required to do so. Any member of staff not prepared to fulfil these obligations will be considered in breach of their terms and conditions of service.
6. The *[insert - e.g. Departmental Management Board]* has determined that the refusal to *[insert the particular refusal which has initiated the breach of contract for reduction in pay is the measure to be used e.g. refuse to answer telephone calls or accept instructions by e-mail (where these activities do not form a significant part of the normal duties)]* represents a material breach of contract.
7. From and including *[insert date]*, any member of staff who refuses to *[insert the specific area e.g. handle telephone calls]* will have withheld from their pay an amount equivalent to [X]% of their daily rate of pay on each day that such a breach of terms and conditions persists.
8. Such reduction in pay is not regarded as constituting the application of the disciplinary procedures.
9. Whilst I acknowledge that most members of staff have been fulfilling their contractual obligation over the period of the industrial action, I believe that it is right that all staff in *[insert business area]* should be made aware of the intended action.
10. It is important that those members of staff who are taking part in industrial action short of a strike should now give serious consideration to their position in this

matter in advance of *[insert the date which reduction in pay will be implemented – 1 or 2 days between this and the issue of the final notice should be given]*.

Signed: [insert issuing officer]

Letter to be Issued to Local Trade Union Side

From: *[insert e.g. Head of Branch/Line Manager/Unit Manager]*

Date:

To: Local Trade Union Side

PROPORTIONATE PAY DEDUCTION

The purpose of this note is to advise local Trade Union Side that I will taking appropriate steps to implement the *[insert e.g. Departmental Management Board]* decision to move to proportionate pay deduction in response to the continued industrial action.

The *Line Manager/Head of Branch* has written to each member of staff to advise them of the intended action which will be taken from and including *[insert date(s)]* onwards in response to a refusal by a member of staff to carry out a duty that is within the normal range of duties appropriate to the grade (including those of a lower grade) or represents a reasonable management request.

Any member of staff who refuses to completely fulfil his/her contractual obligations will be issued a notice advising them that an amount will be withheld from their pay equivalent to [X]% of their daily rate of pay for each day that the breach of terms and conditions persists.

I should remind you that such pay deduction is not regarded as constituting the application of the disciplinary procedures and will be enforced until such time as the member of staff is ready to completely fulfil his/her contractual obligations.

Signed:

Final Proportionate Pay Deduction Notice following refusal to perform full range of duties

From: *[insert - e.g. Line Manager/Unit Manager/Head of branch as appropriate]*

Date: *[insert date]*

To: *[insert officer's name]*

Branch: *[insert officer's unit/branch]*

PROPORTIONATE PAY DEDUCTION

[Insert as appropriate - I have now been informed/I understand] that you are not prepared to fulfil your terms and conditions of service and in particular you continue to refuse to carry out duties set out in the notice from *[insert issuing body of Appendix 2 Notice]* issued to you on *[insert date]*.

Your refusal is regarded by the *[insert as appropriate - e.g. Departmental/Agency/Management Board]* as amounting to a material breach of your terms and conditions of service and I have to inform you that as from receipt of this notice an amount will be withheld from your pay equivalent to [X] % of your daily rate of pay for the period that such a breach of terms and conditions persists.

You should, however, note that, after indicating your willingness to carry out, when required to do so, any duty which is within the normal range of duties appropriate to your job, or which is a reasonable management request, you will again receive your normal salary.

Signed:_____ Grade:_____

Date:_____

TEMPORARY RELIEF FROM DUTY (TRD) PROCEDURES

INTRODUCTION

1. The decision to use TRD procedures will be taken in the context of the guidance for managing industrial action. Once a decision to move to TRD has been agreed, the steps set out below should be followed by management.
2. *Head of Branch* will be responsible for notifying Departmental Trade Union Side of the decision to move to TRD and the business areas impacted.

Step 1

Inform all staff in the business area concerned of intention to TRD

3. A letter, agreed with relevant senior manager over the business area concerned should issue advising all staff in the relevant business unit of the position, should they continue refuse to carry out reasonable management requests. A model letter is provided at Appendix 1 of this Annex.

Step 2

Inform local Trade Union Side (if necessary) of the intention to proceed to TRD

4. Where there are local Whitley structures in place, managers should issue a letter advising the local Trade Union Side of the decision to move to TRD. The model letter at Appendix 2 of this Annex may be used for this purpose.

Step 3

Identify Staff who are in Breach of Contract & TRD has been decided as the appropriate response

5. Management should identify those staff who are not performing their normal duties. If the individual member of staff indicates that they are not prepared to perform their normal duties with immediate effect, Step 4 should be taken.

Step 4

Issue TRD Final Notice

6. The specific duty, duties or function(s) that the member of staff has refused should be inserted into the TRD final notice (see Appendix 3 of this Annex) from the Line Manager notifying him/her of the temporary relief from duty without pay. This letter will take immediate effect and will continue to apply until such time as they are prepared to carry out all reasonable management requests.
7. Owing to the standard wording of the TRD final notice in Appendix 3, it is recommended that the letters are prepared in advance. This is particularly important if it is anticipated that large numbers of staff will be involved. Names, payroll number and details of the duty or duties refused can then be inserted as appropriate. A copy of the completed letter should be sent to HRConnect for retention. This notice has the effect of sending staff home without pay.
8. The member(s) of staff who has/have been handed the TRD final notice should be asked to leave the office as soon as possible after they have had the opportunity to read and consider the notice. This should be done carefully and sensitively so as not to cause offence or give grounds for complaint.
9. Following receipt of the TRD final notice, those staff who indicate that they are willing to carry out any reasonable management request when required to do so should be allowed to return to their duties immediately. However, it should be made clear that if subsequent actions constitute a further breach of contract the temporary relief from duty process will be effective immediately.
10. If a member of staff refuses to leave the office following receipt of the TRD final notice, advice should be sought from NICSHR Business Partner.
11. Staff who report to work after receipt of the TRD final notice should be asked whether they are prepared to carry out reasonable management requests. They should again be asked to leave the office if they fail to give such an assurance. Line management should keep a record of such instances.

Step 6

Update HR Connect with the details of those staff who have been temporarily relieved from duty

12. For pay purposes managers must input the details of those staff who are temporarily relieved from duty.

Step 7

Issue Press Release

13. Departmental Press Officers will liaise with the business area concerned to prepare and issue a suitable press release where necessary explaining why the action has been taken.

Model Letter to all Staff in *[insert e.g. Department / Agency / Branch / Section]* informing them of the intention to apply TRD

From: *[Line Manager/Head of Department]*

Date: *[insert date]*

All Staff in *[insert relevant business area]*

TEMPORARY RELIEF FROM DUTY

Background

1. Since (insert date) some staff have been participating in a course of industrial action short of strike which amounts to a material breach of their terms and conditions of service. The Management response to the industrial action short of strike has to date been measured and driven by the impact on the business.
2. The notice issued to all staff on (insert date) advised staff of the range of measures that would be considered by management to protect the level of services provided by Northern Ireland Departments and agencies. These included restriction of leave and suspension of the Flexible Working Hours Scheme and also proportionate pay deductions and the introduction of Temporary Relief from Duty (TRD). Where the industrial action taken by a member of staff represents a significant proportion of an officer's assigned duties, regardless of the impact on the business, the most appropriate course of action is Temporary Relief from Duty.
3. In light of the latest instructions issued by *[insert the Trade Union name]* calling for continuing industrial action and the plans to escalate it, *[insert as appropriate – e.g. Departmental Management Board]* has decided that any member of staff who is not willing to perform the full range of duties in their grade or refuses to carry out a reasonable management request will be temporarily relieved from duty without pay. This decision has not been taken lightly.

4. I must now remind each member of staff that they have an obligation under their contract of employment to carry out a duty which is within the normal range of duties appropriate to their grade (including those of a lower grade) and to carry out a reasonable management request as and when required to do so. Any member of staff not prepared to fulfil these obligations will be considered as in a serious and material breach of their terms and conditions of service.
5. The *[insert - e.g. Departmental Management Board]* has determined that the refusal to *[insert the particular refusal which has initiated the breach of contract for which TRD is the measure e.g. attend the Performance Management training course represents, attend Benefits Customer Enquiry Team training, answer telephone calls (where this forms a significant part of the post)]* represents a duty which is within the normal range of duties appropriate to their grade (including those of a lower grade) and is a reasonable management request.
6. From and including *[insert date, or the date if one day]*, any member of staff who refuses to *[insert the specific area e.g. handle telephone calls]* thereby will be temporarily relieved from duty without pay.
7. The member of staff who is temporarily relieved from duty:
 - Will not be permitted to be at their place of work until they are prepared to fulfil their terms and conditions of service; and
 - Will not be paid in respect of any period during which they are thus in breach.
8. Temporary relief from duty is not regarded as constituting the application of the disciplinary procedures.
9. Whilst I acknowledge that most members of staff have been fulfilling their contractual obligation over the period of the industrial action, I believe that it is right that all staff in *[insert business area]* should be made aware of the intended action.

10. It is important that those members of staff who are taking part in industrial action short of a strike should now give serious consideration to their position in this matter in advance of *[insert the date which TRD will be implemented – 1 or 2 days between this and final notice should be given]*.

[Head of Branch/Division]

Model Letter To Be Issued To Local Trade Union Side

From: *[insert e.g. Head of Branch/Line Manager/Unit Manager]*

Date:

To: Local Trade Union Side

TEMPORARY RELIEF FROM DUTY

The purpose of this letter is to advise local Trade Union Side that I will be taking appropriate steps to implement the *[insert e.g. Departmental Management Board]* decision to move to temporary relief from duty without pay in response to the continued industrial action in [business area].

I have written to each member of staff to advise them of the intended action which will be taken from and including *[insert date(s)]* onwards in response to a refusal by a member of staff to carry out a reasonable management request.

Any member of staff who refuses such a request will be issued a notice advising them that they are temporarily relieved from duty.

I should remind you that temporary relief from duty without pay is not regarded as constituting the application of the disciplinary procedures and will be enforced until such time as the member of staff is ready to completely fulfil their contractual obligations.

[Head of Branch/Division]

Model Final Temporary Relief from Duty Notice following Refusal to Perform Full Range of Duties

From: *[insert - e.g. Line Manager/Unit Manager/Head of Branch as appropriate]*

Date: *[insert date]*

To: *[insert officer's name]*

Branch: *[insert officer's unit/branch]*

I have now been informed that you are not prepared to fulfil your terms and conditions of service and in particular you continue to refuse to carry out duties set out in the notice from *[insert issuing body of Appendix 2 Notice]* issued to you on *[insert date]*.

Your refusal is regarded by the *[insert as appropriate - e.g. Department / Agency / Departmental Management Board]* as amounting to a material breach of your terms and conditions of service and I have to inform you that as from receipt of this notice you:

- Will not be permitted to be at your place of work until you are again prepared to fulfil your terms and conditions of service and resume work accordingly; and
- Will not be paid in respect of any period during which you have been in breach of your terms and conditions of service.

You should, however, note that your employment is not being terminated and furthermore that after indicating your willingness to carry out, when required to do so, any duty which is within the normal range of duties appropriate to your job, or which is a reasonable management request, you may return to work immediately and will be paid in the normal way for the period thereafter.

Signed: _____ Grade: _____

Date: _____

[copied to HRConnect]

DRAFT

[]

File Reference: []

NOTE TO STAFF ON INDUSTRIAL ACTION

1. The [name of union] has called on its members employed in the [Northern Ireland Civil Service] to take part in industrial action in support of []. Staff are reminded of the consequences of such action. Some of these are included below with further detail in the ***Guidance on Industrial Action in the NICS*** available on the portal.
2. Taking part in industrial action, either by striking (i.e. being absent from work without authority) or taking action short of a strike, where a civil servant refuses to perform some material part of his or her obligation, constitutes a breach of contract. Staff taking industrial action short of a strike who refuse to perform any duty within the normal range of duties appropriate to their grade (including work of a lower grade) or refuse to carry out a reasonable management request may have their pay reduced proportionately or be temporarily relieved from duty.
3. Anyone who takes part in strike action will not receive pay or pay-related allowances in respect of the day or days of a strike. Adjustments in pay will be made as soon as possible.
4. Absence on strike will not count as qualifying service for pension, annual leave, probation, or deputising. Nor will it count towards the completion of official hours for overtime calculations (i.e. overtime will not be paid until full conditioned hours for that week have been worked).
5. Annual leave, special leave or flexi-leave will not be granted to enable staff to take part in strike action. These may, however, be granted for urgent personal

reasons unconnected with the strike. Staff who have already applied for leave for reasons unconnected with the strike will not normally be required to cancel it. However, the impact of such leave on the maintenance of essential services will have to be considered. On return to normal duty, staff will be expected to work for a reasonable period before applications for annual leave are granted (normally, staff who have been absent without authority for 5 days or more, will be expected to work normally for 5 days before taking leave).

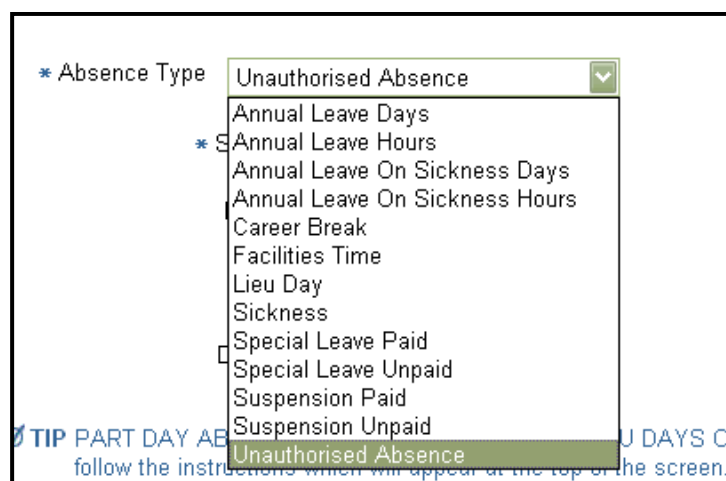
6. Departments and agencies may decide to suspend flexible working hours for any day on which industrial action takes place and, if so, on that day, normal gross conditioned hours will apply. Times of arrival and departure will be specified for most offices.
7. The fact that a place of work is picketed will not be accepted as justification for failure to report to work. Any officers who refuse to cross picket lines will be treated as being on unauthorised absence. Attempts by pickets who are NICS staff to intimidate those who wish to work will be treated as disciplinary offences by the NICS and might result in criminal charges being brought by the appropriate authorities.

Signed:

GUIDANCE FOR LINE MANAGERS ON RECORDING UNAUTHORISED ABSENCE IN DAYS ON HRCONNECT

To record unauthorised absence in days on HRConnect, follow these steps:

1. Expand the 'HRConnect Manager Self-Service' menu (HRConnect Level 2 Manager Self Service can also be used)
2. Scroll down to expand the 'Absence Management' menu
3. Click the 'Leave Request' link
4. Click the 'Action icon' beside the name of the relevant member of staff
5. Click the 'Create an Absence Request' button
6. Click the 'Absence Type' drop-down menu
7. Select 'Unauthorised Absence' (shown below)



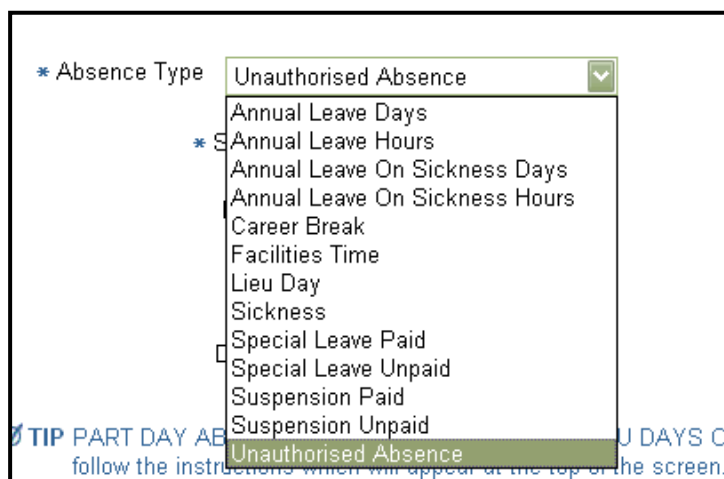
8. Using the calendar icons, complete the 'Start Date' and 'End Date' fields to show the date of absence as 30th November 2019 for example. **It is essential that an end date is entered to ensure correct payment of salary.**
9. Click the 'Calculate Duration' button
10. For full time staff the duration is one day; for part-time staff the duration will be reflected in hours
11. Scroll down to the 'Additional Absence Details' section
12. Select 'Unauthorised Absence'
13. In the sub category, select 'Industrial Action'
14. Click the 'Next' button
15. A review screen will display, showing the absence details – if these are correct then click on the 'Submit' button
16. A confirmation screen will display. Click on the 'Home' link to exit

Please note: If the line manager is also absent, a more senior manager in the HRConnect hierarchy can also record the absence for the member of staff, in the manner described above.

GUIDANCE FOR LINE MANAGERS ON RECORDING UNAUTHORISED ABSENCE IN HOURS ON HRCONNECT

To record unauthorised absence in hours on HRConnect, follow these steps:

1. Expand the 'HRConnect Manager Self-Service' menu (HRConnect Level 2 Manager Self Service can also be used)
2. Scroll down to expand the 'Absence Management' menu
3. Click the 'Leave Request' link
4. Click the 'Action icon' beside the name of the relevant member of staff
5. Click the 'Create an Absence Request' button
6. Click the 'Absence Type' drop-down menu
7. Select 'Unauthorised Absence' (shown below)



8. In the Duration section, complete the 'Start Date' and 'End Date' fields to show the date of absence as 28th November 2019 for example. **It is essential that an end date is entered to ensure correct payment of salary.**
9. Scroll down to the 'Additional Absence Details' section
10. In Absence Type select 'Unauthorised Absence'
11. In the Unauthorised Absence Sub Reason, select 'Industrial Action'
12. In Part days Unit of Measure, select 'Hours'
13. In the Fraction of Start Date enter the total hours, for example '1'.
14. Click the 'Next' button
15. A review screen will display, showing the absence details – if these are correct then click on the 'Submit' button
16. A confirmation screen will display. Click on the 'Home' link to exit

Please note: If the line manager is also absent, a more senior manager in the HRConnect hierarchy can also record the absence for the member of staff, in the manner described above.

IDENTIFYING NICS STAFF ON STRIKE ACTION

1. The **Guidance** states that Departments should arrange for managers to identify staff involved in industrial action on the day of the strike or as soon as possible thereafter. It is, however, recognised that with new working arrangements, including hybrid working, and many staff working from home may make it more time consuming for managers to identify staff on strike on days when strike action is held.
2. In advance of a strike, line managers can ask staff who are due to work if they intend to strike but staff are under no obligation to indicate their intentions. On the day of any strike, **the onus is on any staff working as normal to inform their line manager of this.**
3. The bullet points below set out how this should be carried out, especially for staff working from home:
 - Staff working as normal should inform their line manager of this by **10 am on the day of a strike** (by email, or phone).
 - If contacted by email, the line manager should acknowledge receipt;
 - If staff do not receive an acknowledgement (e.g. line manager is on strike or on leave etc) staff should inform the next manager in the management chain;
 - If management does not receive notification from staff that they are in work, staff will be assumed to be on strike and treated accordingly;
 - Management can however verify whether or not staff took part in strike action when they return to work after a strike ends.

Guidance to VSAHG Managers on How to Implement the Management Decision to Impose a Proportionate Pay Deduction on Staff Partaking in Industrial Action Short of Strike

Background

1. Since 1 May 2026, NIPSA has been supporting a group of former Veterinary Inspectors (VIs), now employed as Veterinary Officers, Divisional Veterinary Officers and Senior Principal Veterinary Officers, who have been participating in Industrial Action Short of Strike (IASS).
2. The duties subject to IASS encompass a range of core functions undertaken across multiple programmes within VSAHG.
3. Senior management have taken the view that the IASS amounts to a material breach of terms and conditions of service and as such have concluded that a Proportionate Pay Deduction (PPD) of 25% will apply to those participating in IASS from 1 August 2026.
4. Mark O'Donnell, Deputy Secretary, Strategic Planning and Corporate Services Group, wrote to those potentially affected on 22 July 2026. A copy of his memo is attached at **Annex A**.

Administering a Proportionate Pay Deduction

5. During the first day any former VI attends work on or after 1 August 2026, their line manager, or next available line manager if the immediate line manager is unavailable, should meet with or call the former VI as early in the working day as feasible. A list of Former VIs is attached at **Annex B**.
6. The line manager, or next available line manager, should directly ask the former VI if they are 'willing to perform the full range of their normal duties with immediate effect'. Normal duties will be defined as those duties carried out by that former VI prior to 1 May 2026.
7. If the former VI indicates they are willing to perform the full range of their normal duties with immediate effect, this should be recorded on **Annex B** and a copy of **Annex B** returned to VSAHG.BMBEmployeeRelations@daera-ni.gov.uk. No further action is required but the manager should monitor the situation to make sure the former VI is now indeed carrying out their full range of duties.

8. If the former VI indicates that:

- a. they are not willing to carry out their full range of duties; or
- b. that they are willing to now carry out some duties but still refuse to carry out others;
- c. or refuses to provide an answer.

Their response should be recorded on **Annex B** and a copy of **Annex B** returned to VSAHG.BMBEmployeeRelations@daera-ni.gov.uk. In addition, the template letter (example at **Annex C**) should be immediately issued to them via email with the email cc'd to VSAHG.BMBEmployeeRelations@daera-ni.gov.uk. You will be provided with a formatted letter for each former VI under your management. Please check it correctly reflects who has actually issued the letter.

9. No further immediate action is required by the line manager, or next available line manager, unless the former VI responds to say that they are now willing to carry out the full range of their normal duties. In this case, if the response is received from the former VI in writing, the email should be forwarded to VSAHG.BMBEmployeeRelations@daera-ni.gov.uk. If the former VI verbally indicates their willingness to return to their normal duties, this should be recorded in an email and sent to VSAHG.BMBEmployeeRelations@daera-ni.gov.uk.

Future Actions

10. Any former VI who participates in IASS from 1 August 2025 onwards will need to have 25% of their daily rate of pay for that day deducted. This will need to be carried out on the HR Connect Portal for each day that the former VI participates in IASS.
11. Further information will issue in due course on how to administer this PPD on the HRC Portal. However, in general terms this will be achieved by entering a number of hours equivalent to 25% of their working day as an unauthorised absence. **Do not attempt to enter any unauthorised absences onto the HRC Portal until instructed on how to do so.**
12. Line managers, or the next available line manager, should keep contemporaneous records of the effect on their branch as a result of the IASS. More information on what should be recorded and where will issue shortly.
13. More information on Industrial Action within the NICS is available at **Annex D**.
14. Any immediate questions should be addressed to Philip Johnston or Nigel Trimble in the first instance.

Former Veterinary Inspector	Line Manager	Countersigning Manager	Participating in IASS (Yes/No)
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	Philip Johnston	
[REDACTED]	[REDACTED]	Philip Johnston	
[REDACTED]	Philip Johnston	Brian Dooher	
[REDACTED]	Nigel Trimble	Brian Dooher	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	Gemma Daly	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED] ?	David Kyle	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	Gemma Daly	
[REDACTED]	VPHP DVO?	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	Nigel Trimble	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	David Kyle	
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	Nigel Trimble	
[REDACTED]	[REDACTED]	Brian Dooher	
[REDACTED]	Nigel Trimble	Philip Johnston	
[REDACTED]	[REDACTED]	Philip Johnston	

Comments	Returned by	Date
----------	-------------	------

From: **[insert - e.g. Line Manager/Unit Manager/Head of branch as appropriate]**

Date: 01 August 2026

To: **[insert officer's name]**

Branch: Portal Controls and Import

PROPORTIONATE PAY DEDUCTION

[Insert as appropriate - I have now been informed/I understand] that you are not prepared to fulfil your terms and conditions of service and in particular you continue to refuse to carry out duties set out in the notice from Mark O'Donnell DAERA Deputy Secretary, issued to you on 22 July 2026.

Your refusal is regarded by the DAERA as amounting to a material breach of your terms and conditions of service and I have to inform you that as from receipt of this notice an amount will be withheld from your pay equivalent to **25%** of your daily rate of pay for the period that such a breach of terms and conditions persists.

You should, however, note that, after indicating your willingness to carry out, when required to do so, any duty which is within the normal range of duties appropriate to your job, or which is a reasonable management request, you will again receive your normal salary.

Signed: _____ Grade: _____

Date: _____

From: [O'Donnell, Mark](#)
To: [Doohar, Brian](#)
Cc: [REDACTED] [Clarke, Kathryn \(DAERA\)](#); [REDACTED] [Godfrey, Katrina \(DAERA – Perm Sec\)](#)
Subject: FW: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT
Date: 07 July 2026 14:33:51
Attachments: [REDACTED]

Brian

As discussed earlier and with thanks to the team for their work preparing it, I attach a methodology for deciding for each individual taking “action short of strike” the proportion of contractual work involved.

Could you please consider, particularly:

- The percentages applied against each activity: are these in line with your team’s expectations of the staff concerned?
- The administrative process: is this practicable, and if so, can you advise when your line managers will be ready to implement them?

Happy to discuss

Many thanks

Mark O'Donnell

Deputy Secretary|Strategic Planning & Corporate Services Group|Department of Agriculture, Environment & Rural Affairs
1st Floor |Jubilee House |111 Ballykelly Road | Ballykelly | BT49 9HP

Tel: 07813 780 545 Email: mark.odonnell@daera-ni.gov.uk



From: [REDACTED]
Sent: 07 July 2026 12:04
To: O'Donnell, Mark ; Clarke, Kathryn (DAERA)
Cc: [REDACTED]
Subject: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

Hi Mark,

I advance of our meeting at 12:30pm.

Please see the attached draft proposal which Rachel and I have developed for based on counsel’s advice.

Thanks!

[REDACTED]
[REDACTED]
Capacity, Capability, Equality & Diversity Branch
Department of Agriculture, Environment and Rural Affairs | Jubilee House, 111 Ballykelly Road, Limavady, BT49 9HP

Generic email: capabilityandstaffadmin@daera-ni.gov.uk



[Chat with me on Teams.](#)



From: [Kyle, David](#)
To: [Dooher, Brian](#); [REDACTED]
Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT
Date: 07 July 2026 16:35:13

Brian

From my perspective, I am content with this document and the approach apart from one element and clarification may help. In terms of assigning the duties to staff it is straightforward in that the staff should have an agreed PPA – or if not the PPA can be updated to include the specific tasks. The tasks become called out work requirements – not that clarity is needed as they are part of the JD. After that, rather than our managers having to assess if the staff have completed these tasks, could we not require the staff to demonstrate to their manager that they have completed them – given the TUS initial position being that they had notified us that all of these staff were not undertaking any of these duties. This shifts the burden of proof and reduces the administrative burden on Managers who already have more than enough to do.

I also see that it could be difficult for our managers to be sure that all the staff have completed or not completed the roles. Some of the items may be easier to assess than others – for Chronos for example – weekly compliance in my book requires daily review and oversight, not just the appearance on the Chronos system of entries by the OV.

David

From: Dooher, Brian
Sent: 07 July 2026 15:53
To: [REDACTED] Kyle, David
Subject: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT
[REDACTED]/David

Can you take a quick read through this paper and provide an assessment for the individual tasks which are the subject of the current IA

bRIAN

From: [REDACTED]
To: [Dooher, Brian](#); [REDACTED]
Cc: [Kyle, David](#); [Simpson, David \(DAERA\)](#)
Subject: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT (002)
Date: 08 July 2026 14:00:50
Attachments: [OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT \(002\).DOCX](#)

Hello Davids/ [REDACTED]

Pls see attached document reviewed for VPHP as required.

[REDACTED]

Proposed methodology for assessing salary deductions arising from Veterinary Officer industrial action

1. The purpose of the methodology is to establish a rational, transparent and evidence-based approach for calculating salary deductions where Veterinary Officers and Divisional Veterinary Officers refuse to undertake specified contractual duties while continuing to perform other aspects of their role.
2. The methodology does not seek to place a precise monetary value on individual tasks. Rather, it seeks to assess the relative significance of withheld duties against the overall responsibilities set out in the relevant job description and to calculate a proportionate deduction reflecting the extent of contractual duties not being performed.
3. The assessment was undertaken by reviewing each Veterinary Grade Review Job Description issued in August 2024:
 - JD 1 - Final Job description for Field role Divisional Veterinary Officer
 - JD 2 - Final Job description for Field role Veterinary Officer
 - JD 3 - Final Job description for HQ role Divisional Veterinary Officer
 - JD 4 - Final Job description for HQ role Veterinary Officer
 - JD 5 - Final Job description for Portal role Divisional Veterinary Officer
 - JD 6 - Final Job description for Portal role Veterinary Officer
 - JD 7 - Final Job description for VPHP role Veterinary Officer
4. The duties subject to industrial action were mapped against the duties, objectives and work activities contained within each role profile and the following **four principles** applied.

A) Weightings Reflect Importance Rather Than Time Recording

5. The job descriptions do not provide percentage allocations for the individual activities listed in the industrial action instructions.
6. Therefore, weightings were allocated based on:
 - a) how prominently the activity appears within the role profile;
 - b) whether the activity is identified as a core function of the role;
 - c) operational consequences of withdrawal of the activity; and
 - d) the extent to which delivery of statutory or regulatory responsibilities relies upon the activity.
7. Initial weightings were developed through management assessment of the Veterinary Grade Review Job Descriptions and subsequently reviewed by the Chief Veterinary Officer. The **percentages should therefore be interpreted as**

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a measure of the significance of the duty within the role rather than a strict measure of time spent.

8. The specific weightings represent management's assessment of the relative importance of each activity within the role when considered against the overall purpose and objectives described within the relevant job description.

B) Greater Weight Given to Core Statutory Functions

9. Minimal weighting was given to **administrative activities** such as Chronos data entry, tasked recording and internal administration.
10. Higher weightings were allocated where the withdrawn duty formed part of the primary statutory, regulatory or operational purpose of the role. These are detailed in **table 1** below.

Table 1 – Weighting applied to withdrawn duty

Role	Primarily concerned with	Weighting applied
Field Veterinary Officer	• bovine TB control and eradication; • management of TB breakdowns; • approval and supervision of TB testing; • epidemiological investigations; and • disease control and surveillance.	• On-farm TB testing received a high weighting; • TB investigations received a high weighting; and • PVP supervision and TB tester approvals received high weightings.
Portal Veterinary Officer	• import controls; • trade facilitation; • certification compliance; • CHED processes; and • authorisation and validation activities.	• CHED validation received a high weighting; • Certification-related activities received a high weighting; and • TB-related functions received no weighting because they do not form part of the substantive role.
HQ and Portal DVO Roles	• programme management; • staff management; • governance; • project delivery; and • strategic development.	• project work attracts a higher weighting; and • operational veterinary activities attract lower weightings because they form a smaller proportion of overall duties.

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11. The weightings for each withdrawn duty are detailed in **Annex A**. They reflect the significance of the duty within the role rather than the amount of time typically spent undertaking it.
12. To clarify weighting is not intended to represent the proportion of working time typically spent undertaking the activity. Rather, it represents management's assessment of the relative importance of that activity to the substantive purpose of the role, and impact on the department of the role not being carried out. Salary deductions are therefore based on the extent to which the substantive responsibilities of the role are no longer being fulfilled.

C) Calculation Method

13. The deduction from salary is proposed to be calculated using the following formula:

Total Deduction Percentage = Sum of Weightings for Duties Refused

Daily Deduction = Daily Salary Rate × Total Deduction Percentage

14. For example if a Field Veterinary Officer refuses:

- PVP TB supervision (15%)
- Approval of TB testers (10%)
- On-farm TB testing (20%)
- TB epidemiological investigations (20%)

Total Deduction Percentage (65%) = 15% + 10% + 20% + 20%

Daily Deduction (£150) = Daily Salary Rate (e.g. £230.77) × Total Deduction Percentage (65%)

D) Recording, Review and Assurance

15. The methodology was developed using the Veterinary Grade Review Job Descriptions as the primary evidence base and seeks to ensure:
 - consistency;
 - transparency;
 - proportionality;
 - role-specific assessment; and
 - a demonstrable link between the duties withheld and the level of salary deduction applied.
16. It represents a management assessment of the relative significance of duties withdrawn and is intended to provide an auditable and reproducible basis for determining deductions arising from action short of strike.
17. Line managers will be required to maintain a weekly record of the actual duties **each member of staff engaged in industrial action has withdrawn from**, and the impact on the department.

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18. An example of the information required is provide at **Annex B. For ease of completion this will be transferred onto Microsoft Forms for Line Managers to update.**
19. This checklist creates the audit trail necessary for HR to determine whether contractual duties were allocated but not performed and to apply any centrally agreed deduction methodology consistently across all veterinary grades.
20. **The deductions made will therefore be individually assessed for each member of staff, based on their job role, and the actual duties they have withdrawn from each week.**
21. It is important to note that a duty may only be counted as being refused, and deductions subsequently made where:
 - a) it was allocated to the employee during the reporting period;
 - b) the duty formed part of the employee's normal responsibilities;
 - c) the employee was available and capable of undertaking the work;
 - d) the duty was not completed;
 - e) the duty was not prevented by management instruction, system failure or operational constraints; and
 - f) supporting evidence has been retained.

E) Employee notification

22. Before any deduction is applied, the employee will be informed of:
 - a) the duties recorded as not undertaken;
 - b) the evidence relied upon;
 - c) the proposed deduction assessment; and
 - d) the date on which any deduction will take effect.
23. The employee will be afforded an opportunity to identify any factual inaccuracies prior to a final decision being made.
24. **Before any salary deduction is applied, the proposed deduction assessment and supporting evidence will be reviewed by a central moderation panel comprising of senior management. The purpose of the review is to ensure consistency, proportionality and equitable application of the methodology across all veterinary grades and locations.**

Capacity Capability Equality & Diversity Branch
7 July 2026

Annex A**Weighting applied to withdrawn duties by job role**

The weighting reflects the extent to which the withheld activity forms part of the substantive responsibilities described within the relevant job description, rather than applying a single matrix across all veterinary roles.

The listed percentages only represent those duties currently subject to industrial action. The balance of the role comprises duties which are continuing to be performed and therefore are not included within this assessment.

JD 1 - Field DVO

Duty	Weight
a) On-call rotas	3%
b) TARDIS / online training	2%
c) Training Agency/new staff	5%
d) PVP TB supervision	10%
e) Approval of TB testers	10%
f) Out-of-hours response	5%
g) Time recording	3%
h) SHAs	5%
i) Chronos	3%
j) On-farm TB testing	5%
k) TB epidemiological investigations	10%
l) CHED validation	1%
m) Project work	10%
Total	72%

JD 2 - Field Veterinary Officer

Duty	Weight
a) On-call rotas	3%
b) TARDIS / online training	2%
c) Training Agency/new staff	3%
d) PVP TB supervision	15%
e) Approval of TB testers	10%
f) Out-of-hours response	5%
g) Time recording	1%
h) SHAs	8%
i) Chronos	2%
j) On-farm TB testing	20%

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Duty	Weight
k) TB epidemiological investigations	20%
l) CHED validation	1%
m) Project work	5%
Total	95%

JD 3 - HQ DVO

Duty	Weight
a) On-call rotas	2%
b) TARDIS / online training	3%
c) Training Agency/new staff	10%
d) PVP TB supervision	0%
e) Approval of TB testers	0%
f) Out-of-hours response	2%
g) Time recording	2%
h) SHAs	2%
i) Chronos	3%
j) On-farm TB testing	0%
k) TB epidemiological investigations	0%
l) CHED validation	0%
m) Project work	25%
Total	49%

JD4 – HQ VO

Duty	Weight
a) On-call rotas	2%
b) TARDIS / online training	4%
c) Training Agency/new staff	8%
d) PVP TB supervision	15%
e) Approval of TB testers	10%
f) Out-of-hours response	3%
g) Time recording	1%
h) SHAs	2%
i) Chronos	2%
j) On-farm TB testing	5%
k) TB epidemiological investigations	20%
l) CHED validation	0%
m) Project work	10%
Total	82%

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JD 5 - Portal DVO

Duty	Weight
a) On-call rotas	2%
b) TARDIS / online training	2%
c) Training Agency/new staff	5%
d) PVP TB supervision	0%
e) Approval of TB testers	0%
f) Out-of-hours response	2%
g) Time recording	2%
h) SHAs	5%
i) Chronos	3%
j) On-farm TB testing	0%
k) TB epidemiological investigations	0%
l) CHED validation	10%
m) Project work	25%
Total	56%

JD 6 - Portal Veterinary Officer

Duty	Weight
a) On-call rotas	5%
b) TARDIS / online training	3%
c) Training Agency/new staff	8%
d) PVP TB supervision	0%
e) Approval of TB testers	0%
f) Out-of-hours response	5%
g) Time recording	1%
h) SHAs	15%
i) Chronos	3%
j) On-farm TB testing	0%
k) TB epidemiological investigations	0%
l) CHED validation	25%
m) Project work	15%
Total	80%

JD 7 - VPHP Veterinary Officer

Duty	Weight
a) On-call rotas	2%
b) online training	5%
c) Training Agency/new staff	10%
d) PVP TB supervision	0%

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Duty	Weight
e) Approval of TB testers	0%
f) Out-of-hours response	2%
g) Time recording-HOMIF	20%
h) SHAs	5%
i) Chronos	5%
j) On-farm TB testing	0%
k) TB epidemiological investigations	0%
l) CHED validation	0%
m) Project work	2%
Total applicable	45%

Annex B

Weekly Veterinary Industrial Action Recording Checklist

Line Manager Checklist

Officer Name: _____

Grade: _____

Location: _____

Week Commencing: _____

Line Manager: _____

Step 1 – Allocation of Duties

Before recording any duty as withheld, confirm:

- ☐ The duty formed part of the officer's normal responsibilities.
- ☐ The duty was allocated during the reporting period.
- ☐ The employee was available to undertake the duty.
- ☐ There is evidence showing the duty was assigned.

Evidence referenced (include CM number):

Step 2 – Duties Withheld

Record only duties actually allocated during the reporting period.

Ref	Duty	Allocated	Undertaken	Not Undertaken
A	On-call rota participation	☐	☐	☐
B	TARDIS / online training	☐	☐	☐
C	Training Agency / DAC / new staff	☐	☐	☐
D	PVP TB supervision duties	☐	☐	☐
E	Approval of new TB testers / theory tests	☐	☐	☐
F	Out-of-hours operational response	☐	☐	☐

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Ref	Duty	Allocated	Undertaken	Not Undertaken
G	Time-task recording	☐	☐	☐
H	Support Health Attestations	☐	☐	☐
I	Chronos data entry	☐	☐	☐
J	On-farm TB testing	☐	☐	☐
K	TB epidemiological investigations/reports	☐	☐	☐
L	CHED validation activities	☐	☐	☐
M	Assigned project work	☐	☐	☐

Step 3 – Evidence Check

For every duty marked "Not Undertaken":

- ☐ Evidence of allocation retained.
- ☐ Evidence of non-performance retained.
- ☐ Evidence reference recorded.
- ☐ Evidence stored in agreed location.

Examples:

- Duty rota
- Work allocation list
- Diary entry
- System allocation
- Email correspondence
- Teams message
- Training schedule
- Project plan
- Certification request
- APHIS/NIFAIS record
- CHED workflow record

Evidence referenced (include CM number):

Step 4 – Operational Impact Assessment

Has the non-completion of duties resulted in:

Service Delivery

- ☐ Delayed service
 - ☐ Cancelled service
 - ☐ Backlog created
 - ☐ Work reallocated
-

Disease Control

- ☐ Delayed TB testing
 - ☐ Delayed investigation
 - ☐ Delayed surveillance work
 - ☐ Delayed enforcement activity
-

Trade / Certification

- ☐ Delayed certification
 - ☐ Delayed validation
 - ☐ Delayed import/export processing
-

Staffing / Resources

- ☐ Additional management time
 - ☐ Additional overtime
 - ☐ Additional staffing requirements
-

Comments

Step 5 – Escalation Assessment

Has any withheld duty created:

- ☐ Animal health risk
- ☐ Animal welfare risk
- ☐ Public health risk
- ☐ Disease control risk
- ☐ Export/trade risk
- ☐ Statutory compliance risk
- ☐ Reputational risk
- ☐ Financial risk

If YES:

Date escalated: _____

Person notified: _____

Reference: _____

Step 6 – Manager Verification

I confirm that:

- ☐ Duties recorded were allocated during the reporting period.
- ☐ Evidence exists to support the information recorded.
- ☐ Information has been checked for accuracy.
- ☐ Any impacts recorded are based on factual information.
- ☐ Supporting evidence has been retained.

Manager Name: _____

Signature: _____

Date: _____

Step 7 – Submission to HR

- ☐ Weekly return completed.
- ☐ Evidence references included.

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☐ Impact assessment completed.

☐ Escalations recorded.

☐ Submitted to DVO/SPVO.

☐ Submitted to HR by deadline.

Submission Date: _____

From: [Trimble, Nigel](#)
To: [Dooher, Brian](#)
Cc: [Kyle, David](#); [Simpson, David \(DAERA\)](#); [REDACTED]
Subject: NT updated book 1.xlsx
Date: 08 July 2026 17:26:37
Attachments: [NT updated book 1.xlsx](#)

Brian

See attached updated weightings. Field DVO and VO still to be reviewed.

Tardis / online training separated and online training set at 5% for all staff as some of this is mandatory.

Happy to discuss later.

Thanks all for input.

Nigel

Field DVO Field VO Portal DVO Portal VO

Duty

a) On-call rotas	3%	3%	1%	0%
b) TARDIS	2%	2%	0%	0%
c) Training Agency/new staff	5%	3%	5%	8%
d) PVP TB supervision	10%	15%	0%	0%
e) Approval of TB testers	10%	10%	0%	0%
f) Out-of-hours response	5%	5%	2%	0%
g) Time recording	3%	1%	2%	1%
h) SHAs	5%	8%	0%	2%
i) Chronos	3%	2%	0%	1%
j) On-farm TB testing	5%	20%	0%	0%
k) TB epidemiological investigation	10%	20%	0%	0%
l) CHED validation	1%	1%	10%	35%
m) Project work	10%	5%	25%	15%
n) Online training	5%	5%	5%	5%
Total	77%	100%	50%	67%

HQ DVO HQ VO VPHP VO

2%	2%	2%
0%	0%	0%
20%	20%	10%
0%	0%	0%
0%	0%	0%
2%	3%	2%
0%	0%	20%
0%	0%	5%
0%	0%	5%
0%	0%	0%
0%	5%	0%
0%	0%	0%
25%	25%	2%
5%	5%	5%
54%	60%	51%

From: [REDACTED]
To: [Dooher, Brian](#)
Cc: [Kyle, David](#); [Trimble, Nigel](#); [Simpson, David \(DAERA\)](#); [REDACTED]
Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT
Date: 08 July 2026 22:07:31
Attachments: [OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT \(003\).DOCX](#)

See my version with saved changes.

[REDACTED]

From: [REDACTED]
Sent: 08 July 2026 12:02
To: Dooher, Brian
Cc: Kyle, David ; Trimble, Nigel ; Simpson, David (DAERA) ; [REDACTED]
Subject: FW: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

Brian,

Here's my initial look at the document.

I have tracked changes and entered comments.

I would also like to be able to revisit the percentages , given more time to consider them. And if given a chance to look at the Job description for the Field DVO/VO. This would give me a better handle on the %significance of the work that they are currently doing.

The TARDIS entry is covered by the separate entry of Time recording.

Regards,

[REDACTED]

From: Dooher, Brian <Brian.Dooher@daera-ni.gov.uk>

Sent: 07 July 2026 16:04

To: [REDACTED]

Subject: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

From: [REDACTED]
To: [Dooher, Brian](#)
Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT
Date: 08 July 2026 23:28:29

Brian,

Yes TB Epi is importantbut probably not any higher significance than some other tasks e.g. contacting herd keepers about LRSs...or doing Backward Traces ... or interpreting TB tests/setting herd restrictions/setting next tests...or assessing animal welfare unnecessary suffering. All of these latter examples are tasks that are being currently done. These would all total up to more significance than the original remaining 5%.

Tardis recording does have a spreadsheet system designed by DSD...but Field Delivery staff don't know how to save it to OneDrive which they never use and managers are finding it difficult to find the right spot where it is saved for them to sign it off. There isn't a step-by-step instruction about how to use and save the spreadsheet. So I know that the implementation of this is poor currently. Some staff may be recording their time on their calendar/diary with a view to entering it on the new replacement system.

CSB are not using it currently.

Regards,

[REDACTED]

From: Dooher, Brian

Sent: 08 July 2026 12:58

To: [REDACTED]

Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

Thanks [REDACTED]

Would have placed TB epi one of the most vital tasks of the field VO and should have a high weighting.

Wouldn't be placing too much weight on overall percentages as each day will not have all tasks allocated etc – we need to think how important the task is within the role of the VO.

My understanding was that TARDIS recording was to continue as a paper based process in the interim?

Brian

From: [REDACTED]

Sent: 08 July 2026 11:24

To: Dooher, Brian <Brian.Dooher@daera-ni.gov.uk>

Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

Brian,

TB Epi is too high a %. The VO deductions currently sit at 95% significance. Which only allows 5% significance for the work that they are actually doing. Will have to reduce the percentages.

Definitely TARDIS and Online training should be separate; they are nothing to do with each other.

We must have been thinking the same things. I had put a comment on my draft reply document to say as such. Also although TARDIS is not operational currently, and therefore any deduction would be 0%, when the replacement system comes along, it would no longer be 0%.

[REDACTED]

From: Dooher, Brian <Brian.Dooher@daera-ni.gov.uk>

Sent: 08 July 2026 07:19

To: [REDACTED]

Subject: RE: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

[REDACTED]

Couple of thoughts as regards field duties:

Is TB Epi correct?

Separation of TARDIS and online training lines?

Thanks

Brian

From: Dooher, Brian

Sent: 07 July 2026 16:04

To: [REDACTED] >

Subject: OFFICIAL SENSITIVE - Proposed methodology for salary deductions - July 2027 - DRAFT

From: [Trimble, Nigel](#)
To: [Dooher, Brian](#); [REDACTED]
Cc: [Kyle, David](#); [Simpson, David \(DAERA\)](#); [REDACTED]
Subject: RE: NT updated book 1.xlsx
Date: 09 July 2026 11:16:06
Attachments: [REDACTED]

Brian

See update following [REDACTED] input and my discussion / emails with you.

Your remaining query is 20% time recording for VPHP VO but I have added HOMIF to this line as think this is what it reflects - [REDACTED] please confirm.

The TARDIS line reflects either paper-based procedures or the new system when operational.

Thanks

Nigel

From: Trimble, Nigel

Sent: 08 July 2026 17:26

To: Dooher, Brian

Cc: Kyle, David ; Simpson, David (DAERA) ; [REDACTED] ; [REDACTED]

Subject: NT updated book 1.xlsx

Brian

See attached updated weightings. Field DVO and VO still to be reviewed.

Tardis / online training separated and online training set at 5% for all staff as some of this is mandatory.

Happy to discuss later.

Thanks all for input.

[REDACTED]

Field DVO Field VO Portal DVO Portal VO

Duty

a) On-call rotas	3%	3%	1%	0%
b) TARDIS (or replacement)	2%	2%	0%	0%
c) Training Agency/new staff	5%	8%	5%	8%
d) PVP TB supervision	10%	10%	0%	0%
e) Approval of TB testers	5%	5%	0%	0%
f) Out-of-hours response	5%	5%	2%	0%
g) Time recording HOMIF	0%	1%	2%	1%
h) SHAs	5%	8%	0%	2%
i) Chronos	0%	0%	0%	1%
j) On-farm TB testing	3%	8%	0%	0%
k) TB epidemiological investigations	3%	15%	0%	0%
l) CHED validation	0%	0%	10%	35%
m) Project work	10%	3%	25%	15%
n) Online training	5%	5%	5%	5%
Total	56%	73%	50%	67%

HQ DVO HQ VO VPHP VO

2%	2%	2%
0%	0%	0%
20%	20%	10%
0%	0%	0%
0%	0%	0%
2%	3%	2%
0%	0%	20%
0%	0%	8%
0%	0%	5%
0%	0%	0%
0%	5%	0%
0%	0%	0%
25%	25%	2%
5%	5%	5%
54%	60%	54%

From: [Johnston, Philip \(DAERA\)](#)
To: [Dooherty, Brian](#); [REDACTED]; [Simpson, David \(DAERA\)](#); [Trimble, Nigel](#); [Daly, Gemma](#); [Gartland, Neal](#); [Kyle, David](#); [REDACTED]
Subject: Guidance on IASS
Date: 31 July 2026 11:18:54
Attachments: [REDACTED]

All

As discussed at 10:30, please see guidance on IASS and associated annexes.

This was drafted at haste last night, but I think it covers everything. However, if there are any issues let me know.

Unless you have staff working over the weekend, there is no need to contact them until Monday morning. However, it would be good to review Annex B to make sure all former VIs are listed and their management structure is correctly identified. This will allow preparations to be made for contact on Monday.

[@Simpson, David \(DAERA\)](#) will be sending you the bespoke template letter for former VIs within your staffing hierarchy.

Thanks

P

From: [Johnston, Philip \(DAERA\)](#)
To: [Trimble, Nigel](#); [Simpson, David \(DAERA\)](#); [Kyle, David](#); [Daly, Gemma](#); [Gartland, Neal](#); [Dooher, Brian](#)
Subject: RE: Guidance
Date: 29 July 2026 14:08:31
Attachments: [REDACTED]

All

As discussed, formatted template letter. This is lifted straight out of the attached guidance – Annex 3 Appendix D.

Need to get conformation from P&OD that the guidance at Annex H is what should be followed and that it will work – manager works out what 25% of net hours for the day and enters that as an unauthorised absence.

P

From: Johnston, Philip (DAERA)
Sent: 22 July 2026 17:06
To: Trimble, Nigel <Nigel.Trimble@daera-ni.gov.uk>; Simpson, David (DAERA) <David.Simpson@daera-ni.gov.uk>; Kyle, David <David.Kyle@daera-ni.gov.uk>; Daly, Gemma <Gemma.Daly@daera-ni.gov.uk>; Gartland, Neal <Neal.Gartland@daera-ni.gov.uk>
Cc: Dooher, Brian <Brian.Dooher@daera-ni.gov.uk>
Subject: Guidance

All

I said I would forward this to you in relation to proportionate pay deduction.

Paragraphs 6.15 and 6.16 as well as Annex D are relevant here.

There is reference to a Proportionate Pay Deduction final notice to be issued by the line manager (Annex D Appendix 3) and that pay deduction 'will continue to apply until such time as the officer indicates a willingness to perform normal duties and carry out reasonable management requests'.

Therefore, my reading is that if we establish someone to be partaking in the ind action after 01/08 and they get the above letter, we have nothing else to do as the onus is on them to tell us they are willing to perform the full range of duties. However I think the onus is on us to ask them in the first place if they are willing to carry out their full range of duties.

We need to set up a system to record who is partaking in ind action and who has opted to come back to work. After that we need guidance on how the actual pay deductions work. There is some guidance in Annex H – is it as simple as working out what 25% of their working day is in hours and entering that as a unauthorised absence??

I'm off for the next 2 days, but will keep an eye out for guidance on this. I would suggest we seek guidance as the centre is unlikely to come giving it to us!

P

Philip Johnston

Acting DCVO

WF SPS Delivery, Trade and Traceability Division

Jubilee House

111 Ballykelly Road

Ballykelly

ext 33785



From: [Simpson, David \(DAERA\)](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Letter Template - Proportionate Pay Deduction_ (003)
Date: 30 July 2026 14:29:00
Attachments: [REDACTED]

[REDACTED]

As discussed, please see below – can you please arrange for this template to be completed for all VIs that could potentially participate in Action Short of Strike Action? [REDACTED] will provide the list of VIs.

Please note that this needs to be completed by **COP today**.

Thanks,

David Simpson | Ext. 49177 | Tel. 02877 442 177 | Mob. 07811699403

From: Dooher, Brian <Brian.Dooher@daera-ni.gov.uk>
Sent: 30 July 2026 14:02
To: Simpson, David (DAERA) <David.Simpson@daera-ni.gov.uk>
Subject: Letter Template - Proportionate Pay Deduction_ (003)

David

Would you be able to get somebody within BMB to populate this template for each VO/DVO/SPVO participating in IASSA.

Will then get it circulated through the relevant G5s

Sorry for the urgency but need it completed by COP

Brian