



Action Plan

in response to External
Independent Review

January 2023

Contents

Preface	3
Introduction	5
Accountability and Scrutiny.....	5
Finding 1: Updating of Core Policy Documents	6
Finding 2: Recording and escalating line of business concerns.....	8
Finding 3: Record Keeping	10
Finding 4: Training	11
Additional Finding: Roles and responsibilities in dealing with	11
employment-related legal cases	

Preface

In May 2022, the Head of the Civil Service and the Permanent Secretaries for the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department of Finance (DoF), jointly commissioned an External Independent Review into the handling of concerns and other serious matters, raised in a case taken by a former DAERA employee.

The External Independent Review was carried out by PwC. This action plan is our response to the recommendations and some service-wide issues raised by the review. We have shared this action plan and the PwC reports with staff, trade unions, MLAs, and with the NI Audit Office.

We welcome the findings in the two reports which we have published in full. We had previously committed to publishing only the outcomes of the review but have gone further. Regrettably, this has taken longer but has resulted in greater transparency. We are committed to learning from this review and the issues it raises and to taking action to improve both our processes and how we implement them. We want to ensure that there can be much greater confidence, among both our staff and the public, in how we handle concerns when they are raised with us.

PwC's reports highlight areas for improvement in the recording and escalating of concerns, the application of some policies, and the way in which some employment-related legal cases are managed by the NICS.

We are clear that concerns must always be raised, listened to and acted upon in the proper manner. It is critical that every civil servant maintains proper records and that all policies are up-to-date. These are the foundations of good governance.

We also acknowledge that some of the issues identified in this review, particularly in relation to record-keeping, were previously highlighted by the Inquiry into the Renewable Heat Incentive Scheme (RHI) in its March 2020 report.

This is not good enough. As leaders of the NI Civil Service, we will rigorously pursue progress against the recommendations of the External Independent Review.

This action plan sets out 33 actions to deliver improvement and explains how change will be monitored and scrutinised.

Separately, we have also published a new [NICS Raising a Concern Policy Framework](#). This sets out for departments, for the first time, a single, overarching approach to dealing with concerns raised.

Improving the application of policies and procedures across every department is a starting point, but real success requires behavioural and cultural change. That this review was proactive and cross-departmental, is evidence of the collaborative culture we are driving throughout the service.

Meanwhile, work is already underway, to empower and support civil servants in effectively delivering the work of government and to develop an inclusive workplace culture.

By seeking out issues and by making positive change, we can build on the strengths of the NI Civil Service. This will ensure we are delivering the best possible service for the public and our workforce.



Jayne Brady
Head of the Northern Ireland
Civil Service



Katrina Godfrey
Permanent Secretary
DAERA



Neil Gibson
Permanent Secretary
DoF

Introduction

In January 2023, PwC provided DAERA as the commissioning department, and through it, the Oversight Group (comprising the Head of the Civil Service along with the Permanent Secretaries for DAERA and DoF and Group Head of Internal Audit), with the findings and recommendations of the External Independent Review, which it had undertaken following its appointment in May 2022.

This Action Plan sets out the actions that DAERA, DoF and the Head of the Civil Service will take to address the recommendations and findings in the Phase 2 Lessons Learned and Recommendations report from the External Review. It also responds to any service-wide issues raised by the review.

Neither the Lessons Learned report nor this Action Plan addresses the actions of individual civil servants. The NI Civil Service, as a responsible employer, does not comment on internal employment-related matters, which may or may not arise.

The requirements of employment law, the contractual obligations applying to every civil servant, and the obligation of fairness to all staff mean that any such matters must remain confidential in order to be lawful and fair and no individual civil servant or department may comment on these.

Accountability and Scrutiny

In their capacity as Principal Accounting Officers for their Departments, the Permanent Secretaries of DAERA and DoF will monitor the status of actions and have already asked their respective Audit Committees to scrutinise progress.

They will also provide the Head of the Civil Service, as Chair of the NI Civil Service Board, with regular updates. Where an action applies across the organisation, the NICS Board will collectively report on progress to the Chair.

Both DAERA and DoF will also publish quarterly progress reports on their respective websites.

This will provide assurance that action is underway as set out below, and confirm, in due course, that all recommendations have been implemented in full.

Finding 1: Updating of Core Policy Documents.

Recommendation:

The last review date of the 3 policies [Managing Public Money NI, the DAERA Enforcement Policy and the DAERA Whistleblowing Policy] indicated should be updated to evidence the date of the last review. The names reported in the policy documents and on the website should be updated so they are consistent. Ownership for each policy should be assigned to a specific role or person within the relevant department.

	Department	Action	Timescale for completion
1	DAERA	The DAERA Enforcement policy will be reviewed and updated, published on the DAERA website and communicated to DAERA staff and stakeholders.	May 2023
2	DAERA	A formal review cycle will be introduced for the DAERA Enforcement policy which will require it to be formally reviewed every five years unless an earlier review is needed.	May 2023
3	DAERA	The DAERA Enforcement policy will have a designated owner who will take responsibility for ensuring implementation of the regular review cycle (or earlier reviews if needed) and the policy document will include details of the ownership and review dates.	May 2023
4	DAERA	The DAERA Whistleblowing policy will be reviewed and updated including to reflect fully the content and approach outlined in the NICS <i>Raising a Concern framework</i> (referred to at Action 11). The updated policy will be published on the DAERA intranet and communicated to all DAERA staff.	March 2023
5	DAERA	The DAERA Whistleblowing Policy will have a designated owner who will take responsibility for ensuring implementation of the formal review cycle and the policy documents will include ownership and review dates.	March 2023
6	DoF	Recognising that the points about policy ownership and regular review are more widely applicable across all departments, the Information Governance Board will issue guidance on the review arrangements for corporate policy documents.	March 2023

Finding 1: Updating of Core Policy Documents.

Recommendation:

The last review date of the 3 policies [Managing Public Money NI, the DAERA Enforcement Policy and the DAERA Whistleblowing Policy] indicated should be updated to evidence the date of the last review. The names reported in the policy documents and on the website should be updated so they are consistent. Ownership for each policy should be assigned to a specific role or person within the relevant department.

	Department	Action	Timescale for completion
7	DoF	A formal review cycle will be introduced for <i>Managing Public Money NI</i> (MPMNI) and this, along with the responsible owner, will be documented in the policy and on the relevant web page.	April 2023
8	DoF	The NICS Code of Ethics was updated and drawn to the attention of all staff in February 2022. A formal review cycle will be introduced for the NICS Code of Ethics and this, along with the responsible owner, will be documented in the policy and on the relevant web page.	March 2023
9	TEO	The Head of the Civil Service will circulate the Code of Ethics in line with the performance management reporting cycle. This will include a reminder that performance management includes an assessment of behaviours in relation to the Code, as well as the delivery of business objectives. A breach of the Code of Ethics will be treated under performance management arrangements and may be treated as a disciplinary matter.	March 2023
10	DoF	The NICS HR Handbook is regularly reviewed. Additions to and deletions from the Handbook are agreed through the formal agreed central Civil Service negotiating arrangements, advised to NICS trade unions and publicised to staff internally.	

Finding 2: Recording and escalating line of business concerns.

Recommendation:

Guidance for staff with line management responsibilities should be introduced to understand what the criteria for escalation may be and the process that should be followed. This should include 'red flags' to be aware of such as repeated concerns being made and potential increase in severity. Where escalation is deemed required, a process should be introduced which allows line managers to record line of business concerns on a register making a note of who the matter has been escalated to for action. This register should be reviewed by an independent person of appropriate seniority. This person would be responsible for ensuring that the matter is being dealt with appropriately. This process should be set out within the guidance referred to in (1) above.

	Department	Action	Timescale for completion
11	DoF	DoF has published a new Raising a Concern Policy Framework which will apply across the NICS.	January 2023
12	All NICS Departments	The Raising a Concern Policy Framework will be reflected in updated operational guidance at departmental level, including guidance on registering concerns, recognising protected disclosures arising from line of business issues, and identifying the thresholds for escalating concerns.	June 2023
13	All NICS Departments	Each department will have a Designated Officer responsible for overseeing the handling of concerns, including maintaining a record, and reporting to their departmental Audit and Risk Assurance Committee on a regular basis.	April 2023
14	DoF	Training will be rolled out to responsible officials across all departments to ensure that there is a shared understanding of their role in dealing with concerns raised by staff or members of the public.	June 2023
15	DoF	DoF will establish a Designated Officers' Forum to discuss common issues around the raising and handling of concerns to ensure system-wide learning.	April 2023
16	TEO	The NICS Board will commission an annual report from the Designated Officers' Forum on the concerns being raised across departments, in order to monitor trends and address problems.	July 2023

Finding 2: Recording and escalating line of business concerns.

Recommendation:

Guidance for staff with line management responsibilities should be introduced to understand what the criteria for escalation may be and the process that should be followed. This should include 'red flags' to be aware of such as repeated concerns being made and potential increase in severity. Where escalation is deemed required, a process should be introduced which allows line managers to record line of business concerns on a register making a note of who the matter has been escalated to for action. This register should be reviewed by an independent person of appropriate seniority. This person would be responsible for ensuring that the matter is being dealt with appropriately. This process should be set out within the guidance referred to in (1) above.

	Department	Action	Timescale for completion
17	DoF	The Group Internal Audit Service will complete audits within all nine Departments to ensure the Raising a Concern Policy Framework is adequate and effective to manage the concerns raised. They will also provide an overall report to NICS Board on the summary of key findings across the NICS including good practice, lessons to be learned and any further enhancements required.	By March 2024
18	DAERA	DAERA will nominate a Designated Officer responsible for overseeing the handling of concerns, including maintaining a record of all concerns raised.	January 2023
19	DAERA	The DAERA Audit and Risk Assurance Committee will continue to have oversight of all whistleblowing/raising concerns cases relating to the Department.	At each meeting
20	DAERA	DAERA will provide specific guidance to all staff with line management responsibilities on the identification and handling of protected disclosures, including those which arise through normal line of business activity, and monitoring for 'red flags.'	March 2023
21	DAERA	The guidance referred to at (action 20) will be supplemented with bespoke training for all DAERA staff at Grade 7 and above on handling concerns.	September 2023
22	DAERA	DAERA will revise its induction material to ensure that new staff joining the Department receive a briefing on how to handle concerns raised with them by staff or members of the public.	March 2023

Finding 3: Record Keeping.

Recommendation:

The need to retain detailed and formal records should be reinforced within DAERA. This would include the need to ensure full and structured records are kept on key decisions, consultations and judgements to ensure an adequate audit trail is retained of how concerns are being managed. Templates should be introduced to assist staff documenting key discussions to ensure relevant information is retained including, date of discussion, who was involved, key matters discussed, and agreed next steps. These records should be detailed enough to provide a full audit trail to show how escalated matters, recorded on the register per finding 2, are being dealt with.

	Department	Action	Timescale for completion
23	DAERA	The Department will stress again to all staff the requirement to make and retain appropriate records including relating to decision-making and make clear that senior officers are responsible for ensuring high standards of record-keeping are in place in their business areas.	February 2023
24	DAERA	All staff in DAERA will be reminded to include in their annual performance agreement a specific objective relating to record-keeping which will be subject to performance management.	February 2023
25	DAERA	Recognising the importance of record-keeping and its place in the NICS Code of Ethics , staff will be reminded that any breaches of the requirements to make and retain clear records may be dealt with under NICS disciplinary processes.	February 2023
26	DAERA	DAERA will revise its induction material to strengthen its content to ensure that new staff joining the Department are absolutely clear about their responsibilities for record keeping and records management.	January 2023
27	DoF	The Code of Ethics was revised to include an explicit obligation on civil servants to keep accurate official records. This will be promoted to staff bi-annually in line with performance management reporting cycles (Action 8 above).	February 2023
28	DoF	The new <i>Raising a Concern</i> framework sets out the requirement for good record-keeping relating to concerns.	January 2023

Finding 4: Training.

Recommendation:

DAERA should review and confirm they are satisfied with the adequacy of training in place for employees on how to manage concerns. If any gaps are identified an action plan should be put in place to address these.

Actions 14, 21, 22 above will fulfil this recommendation.

Additional Finding: Roles and responsibilities in dealing with employment-related legal cases.

Recommendation:

The Phase 1 report from the external review also highlighted some learning in dealing with employment-related legal cases. While not specifically referenced in the Phase 2 report recommendations, DAERA and DoF [DSO/NICSHR] have identified some additional actions to be taken to help ensure that such learning can be embedded for the future.

	Department	Action	Timescale for completion
29	DoF	A protocol is being developed and will be introduced in relation to the management of employment-related legal cases. This will clearly set out the respective roles, responsibilities and decision-making authorities of all stakeholders. It will include the employing department, the Departmental Solicitor's Office, any external legal support (e.g., counsel), and the relevant HR functions.	April 2023
30	DoF	Refreshed advice, reflecting existing good practice, will be provided to all departments to set out the level of support and preparation available to staff giving evidence in a court, tribunal or public inquiry.	April 2023
31	DoF	Advice on managing conflicts of interest in the context of legal cases will be issued to all departments.	April 2023
32	DAERA	Following development of the protocol referenced at Action 29 above, and reflecting its content, roles and responsibilities of senior staff in DAERA in relation to decisions on how to respond to litigation in employment cases and the limits of delegation in such cases, including in relation to approval of expenditure, will be clearly communicated.	May 2023

Additional Finding: Roles and responsibilities in dealing with employment-related legal cases.

Recommendation:

The Phase 1 report from the external review also highlighted some learning in dealing with employment-related legal cases. While not specifically referenced in the Phase 2 report recommendations, DAERA and DoF [DSO/NICSHR] have identified some additional actions to be taken to help ensure that such learning can be embedded for the future.

	Department	Action	Timescale for completion
33	DAERA	New arrangements will immediately be put in place in DAERA, pending development of the protocol, to ensure that staff who were involved in decisions or processes that may have given rise to employment-related legal action are not involved in decision-making on that legal action.	Immediate



Northern Ireland

Civil Service

For further information:

Department of Agriculture, Environment and Rural Affairs
Office of the Permanent Secretary
Room 636, Dundonald House
Upper Newtownards Road
Belfast
BT4 3SU

Email: perm.sec@daera-ni.gov.uk