

August 12th, 2020

Notice Of Meeting

You are invited to attend the Strategy Policy and Resources Committee Meeting to be held on **Thursday, 13th August 2020 at 6:00 pm in Skype.**

The Members of the Strategy Policy and Resources Committee are:-

Chair: Councillor G Sharvin

Vice Chair: Councillor O Hanlon

Members: Councillor P Brown

Councillor P Byrne

Councillor S Doran

Councillor C Enright

Councillor H Gallagher

Councillor R Howell

Councillor A Lewis

Councillor H McKee

Councillor O Magennis

Councillor D Murphy

Councillor B Ó Muirí

Councillor M Savage

Councillor W Walker

Agenda

1.0 Apologies & Chairperson's Remarks

2.0 Declarations of Interest

3.0 Action Sheet arising from SPR Committee Meeting held on Thursday 11 June 2020 & Thursday 25 June 2020

 *SPR-Action Sheet arising from 11 June 2020.dc.pdf*

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 *SPR-Action Sheet arising from 25 June 2020.dc.pdf*

Page 6

Corporate Services

4.0 Notice of Motion - Referred from Council Meeting held on 6 July 2020

Notice of Motion received from Councillor Malone:

"The Council recognises that society has changed fundamentally within the last four months and there will most likely be austere times for many residents of our district for the foreseeable future, the Council also recognises the new financial realities in the time ahead for us as a local authority and therefore it is now time to postpone any further work on the proposed new civic centre project for the remainder of this term".

 *Report re Newry Civic Centre.pdf*

Page 9

 *Appendix 1.pdf*

Page 16

 *Appendix 2.pdf*

Page 18

5.0 Consultation on the Code of Conduct for Local Government Employees

 *Code Of Conduct Report August 2020.pdf*

Page 20

 *Appendix 1 Draft Code for consultation.pdf*

Page 22


 *Appendix 2 Schedule of amendments.pdf*

Page 55

 *Appendix 3 Completed Questionnaire.pdf*

Page 58

6.0 Domestic Abuse and Sexual Violence Policy.

 *DASV Report 13 August 2020.pdf*

Page 66

7.0 Domestic Abuse – ‘Safe Place’

Safe Place Report 13 August 2020.pdf

Page 82

Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

8.0 Appendix 3 in relation to Item 4

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business

Appendix 3.pdf

Not included

9.0 Management Accounts to 31st March 2020 - (For Noting)

Report re Management Accounts.pdf

Not included

Copy of Copy of Income Expend.(By Director) at 31.3.20 - All (002).xlsx

Not included

10.0 Update on Council Finances - (For Noting)

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Update on Council Finances_.pdf

Not included

11.0 Management Accounts to 30th June 2020- - (For Noting)

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Management Accounts June 2020.pdf

Not included

Copy of Copy of Income Exp.(By Director) at 30.06.19- CS.XLSX

Not included

Copy of Income Expend.(By Director) at 30.6.20 - ALL.XLSX

Not included

12.0 Re-opening of Indoor Leisure Facilities Plan – Phase 2

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 ***Reopening Indoor Leisure Facilities 2020 Final for SPRC.pdf*** ***Not included***

 ***Appendix 1 Phase 2 Indoor Leisure Reopening Plan.pdf*** ***Not included***

13.0 Re-opening of Community Facilities

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 ***Report on Re-opening of Community Facilities.pdf*** ***Not included***

 ***Appendix 1 AHC procedure for community facilities reopening v2.pdf*** ***Not included***

 ***Appendix 2 - Phased Reopening of Community Facilities for SPR.pdf*** ***Not included***

14.0 Update on the Disposal of Surplus Assets

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 ***SPR Report - Disposal of Surplus Assets_.pdf*** ***Not included***

 ***SPR Appendices A-D Combined 13Aug20.pdf*** ***Not included***

15.0 Planned Leave Policy

This item is deemed to be exempt under paragraph 4 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a government department and employees of, or office holders under, the Council and the public may, by resolution, be excluded during this item of business.

 ***Planned Leave - SPRC Report 13.8.20.pdf*** ***Not included***

 ***Planned Leave POLICY.pdf*** ***Not included***

16.0 DLC, NLC - Update to SP&R Committee

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 *NLC DLC Recovery of Costs - Update to SPR - Aug 20.pdf*

Not included

FOR NOTING Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

**17.0 Efficiency Working Group Action Sheet dated 15/06/2020 ,
23/06/2020, 27/07/2020 & 03/08/2020**

 *Action Sheet EWG-15062020.dc.pdf*

Not included

 *Action Sheet EWG-23062020.dc.pdf*

Not included

 *Action Sheet EWG-27.07.20.1.pdf*

Not included

 *Action Sheet EWG-3.8.2020.pdf*

Not included

Invitees

Cllr Terry Andrews

Mr Alan Beggs

Cllr Patrick Brown

Cllr Robert Burgess

Cllr Pete Byrne

Mr Gerard Byrne

Mrs Dorinnia Carville

Cllr charlie casey

Cllr William Clarke

Cllr Dermot Curran

Cllr Laura Devlin

Mr Eoin Devlin

Ms Louise Dillon

Cllr Sean Doran

Cllr Cadogan Enright

Cllr Aoife Finnegan

Cllr Hugh Gallagher

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Mrs Janine Hillen

Cllr Roisin Howell

Mr Colum Jackson

Miss Veronica Keegan

Mrs Sheila Kieran

Cllr Mickey Larkin

Cllr Alan Lewis

Mr Michael Lipsett

Mrs Regina Mackin

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Gavin Malone

Cllr Cathy Mason

Mr Johnny Mc Bride

Colette McAteer

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Cllr Harold McKee

Patricia McKeever

Cllr Karen McKevitt

Cllr Andrew McMurray
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Catrina Miskelly
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Mr Ken Montgomery
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Mr Roland Moore
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Cllr Roisin Mulgrew
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Cllr Declan Murphy
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Cllr Barra Ó Muirí
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Linda O'Hare
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Cllr Gerry O'Hare
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Cllr Kathryn Owen
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Mr Andy Patterson
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Colin Quinn
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Cllr Henry Reilly
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Ms Alison Robb
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Cllr Michael Ruane
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Cllr Michael Savage
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Mr Kevin Scullion
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Cllr Gareth Sharvin
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Donna Starkey
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Cllr Gary Stokes
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Sarah Taggart
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Paul Tamati
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr John Trainor
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Cllr William Walker
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Mrs Marie Ward
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ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 17 NOVEMBER 2016 – ITEMS STILL IN PROGRESS OR ON-GOING.

SPR/282/2016	Correspondence from the Department for Communities Regeneration Bill	Council to write to the Minister for Communities asking him to reconsider the decision not to progress the Regeneration Bill. SPR – 11 June 2020 - it was agreed to write a letter to Department for Communities to reconsider the decision on the Regeneration Bill.	L Hannaway	Removed as part of new action SPR/56/2020	Y
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ACTION SHEET – STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 11 JUNE 2020

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SPR/54/2020	To agree starting time for SPR Committee Meetings	It was agreed that the Strategy, Policy and Resources Committee Meetings would commence monthly at 6.00pm.	D Services	Noted	Y
SPR/55/2020	Strategy Policy & Resources Emergency Business Plans	It was agreed to approve Chief Executive's Department Emergency Business Plan April – September 2020 and the Corporate Services Emergency Business Plan April – September 2020.	D Carville	Noted	Y
SPR/56/2020	Action Sheet of the Strategy, Policy and Resources Committee Meeting held on 12 March 2020.	It was agreed that the Action Sheet of 12 March 2020, be noted, and actions removed as marked.	D Services	Agreed	Y
		It was agreed to write a letter to Department for Communities to reconsider the decision on the Regeneration Bill iro SPR/282/2016.	J McGilly	In progress	N

SPR/57/2020	Replacement of Councillor Harte on the Albert Basin Task and Finish Working Group	It was agreed to retain the membership of the Albert Basin Task and Finish Group in its current format.	M Lipsett	Noted	Y
SPR/58/2020	NOM Referred from Council 2 March 2020 – Dying to Work	It was agreed to note the contents of the officer's report.	D Carville/ C Miskelly	Noted	Y
SPR/59/2020	Report on DAERA on the review of the implementation of the Rural Needs Act (NI) 2016	It was agreed that Council actively progress the implementation of the recommendations detailed in the report for Public Authorities.	R Mackin	Noted	Y
SPR/60/2020	Suspended Irish language Bursary Scheme	It was agreed to review the proposal and suggestion of payment in advance of attendance and that a report be brought back to the Irish language Working Group for consideration.	R Mackin	SP&R Committee decision of 25 June 2020.	Y
SPR/61/2020	Action Sheet from Albert Basin Task & Finish Working Group meeting held on 21 May 2020 & 29 May 2020	It was agreed to note the action sheet arising from the Albert Basin Task & Finish Working Group meeting held on 21 May 2020 & 29 May 2020.	M Lipsett	Noted	Y
SPR/62/2020	Minutes of Newry City Centre Regeneration Programme Board Meeting held on 28 November 2019	It was agreed to note the minutes of Newry City Centre Regeneration Programme Board Meeting held on 28 November 2019.	D Carville	Noted	Y

SPR/63/2020	Minutes of Newry City Centre Regeneration Programme Board Meeting held on 15 January 2020	It was agreed to note the minutes of Newry City Centre Regeneration Programme Board Meeting held on 15 January 2020.	D Carville	Noted	Y
SPR/64/2020	Minutes of Newry City Centre Regeneration Programme Board Meeting held on 21 April 2020	It was agreed to note the minutes of Newry City Centre Regeneration Programme Board Meeting held on 21 April 2020.	D Carville	Noted	Y
SPR/65/2020	Section 75 Policy Screening Report – Quarterly Report for Period January – March 2020	It was agreed to note the quarterly report for period January – March 2020 on Section 75 Policy Screening minutes of Newry City Centre Regeneration Programme Board Meeting held on 21 April 2020.	R Mackin	Noted	Y
SPR/66/2020	Statutory Reporting – Rural Needs Annual Monitoring report for period 1 April 2019 – 31 March 2020	It was agreed to note the Rural Needs Annual Monitoring report period for 1 April 2019 – 31 March 2020.	R Mackin	Noted	Y
SPR/67/2020	FOI/EIR/DP Monitoring Statistics	It was agreed to note report on FOI/EIR/DP Monitoring Statistics.	A Robb	Noted	Y
SPR/68/2020	NMDDC Annual Monitoring Returns 2 January 2019 – 1 January 2020	It was agreed to note report on NMDDC Annual Monitoring Returns 2 January 2019 – 1 January 2020.	C Miskelly	Noted	Y

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

SPR/69/2020	Council Finances	It was agreed to revisit the Capital Programme at the next Strategy Policy and Resources meeting in August.	D Carville	In progress	N
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SPR/70/2020	Management Accounts	It was agreed to note the contents of the report.	D Carville	Noted	Y
SPR/71/2020	Furlough – Workers and Employees	It was agreed, from July 2020, for any employees furloughed, the top up to 100% of the employees' contracted pay and casual workers' average monthly earnings will cease and fall into line with the Government's provisions of the scheme as outlined at 2.1.	D Carville	Noted	Y
SPR/72/2020	NI Public Services Ombudsman Complaint	It was agreed that Members accept the recommendations at 1.1, namely the retrospective approval of the issue of an apology and £500 consolatory payment made in respect of maladministration by the Council.	A McKay	Noted	Y
SPR/73/2020	Replacement Planning IT System	It was agreed that Council support the preferred option, as set out in the Full Business Case & allow a budget of up to £1.8m over 20 years towards the new IT system.	C Mallon	Noted	Y
SPR/74/2020	In-House Cost Recovery for Legal Matters	It was agreed that Elected Member's agree to the introduction of an in- house process for legal cost recovery on the basis of £75 per hour for Legal Advisors and a fixed rate of £7.50 for telephone calls & correspondence.	L Moore	Noted	Y
SPR/75/2020	Tender for the Provision of Corporate Graphic Design and Print Management Services	It was agreed to accept the officer's recommendation that a tender competition was held for the Provision of Corporate Graphic Design & Print Management Services.	R Mackin	Noted	Y
SPR/76/2020	Rental Agreements	It was agreed to accept the officer's recommendation set out in 3.1 of the report, namely a two-month rent relief for the four commercial leases listed in the officer's report.	M Lipsett	Noted	Y

SPR/77/2020	Annual Leave (Chief Officers)	It was agreed to accept the officer's recommendation that the recently negotiated and agreed changes to annual leave and public and statutory holiday entitlements is extended to Chief Officers and align to those noted in 2.2 & 2.4 of the officer's report.	M Ward	Noted	Y

END

ACTION SHEET – SPECIAL STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING (SPR) – THURSDAY 25 JUNE 2020

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SPR/80/2020	Suspended Irish Language Bursary Scheme 2020-2021	<p>The following was agreed:</p> <ol style="list-style-type: none"> 1. Council's Irish Language Unit proceed to re-open the Irish Language Bursary Scheme for period 2020/2021 for calls related to periods April – September 2020 and October 2020- March 2021. 2. Underspend within the Irish Language Bursary Scheme budget for the period April – September 2020 be ring-fenced for the next financial year (2021-2022). 3. Officers to give consideration as to the appropriate governance, including applicants' letters of offer and opening date of a call for applications to an Irish Language Bursary Scheme 2021-2022; this to be tabled for consideration at a future meeting of the Irish Language Strategy Cross Party Working Group. 	R Mackin	Noted	Y
SPR/81/2020	Pavement Café and provision of outdoor space	<p>The following was agreed:</p> <ul style="list-style-type: none"> • That applications on Council sites would be assessed using the criteria being used to compile the list of open spaces, in parallel with compiling the list of open spaces that would be suitable. • Members waive the current Pavement Café license fee for 12 months. • If successful in securing a letter of Offer from the Department, members approve that officials develop and deliver a programme of revitalisation works in the form of seating, benches, tables, pergolas etc to facilitate outdoor gatherings in a socially distanced manner. 	C Mallon	Noted	Y

SPR/82/2020	Brexit Forum Membership	It was agreed Council to consider the current Membership of the Brexit Forum and adopt a membership structure similar to Council Project Boards of 2 SF, 2 SDLP, 1 UU, 1 DUP, 1Ind/Alliance.	C Mallon	Noted	Y

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

SPR/83/2020	St Patrick's Day Parades - Performance Invoices	It was agreed to note the contents of the report and officers to continue to engage with suppliers on outstanding payments to determine eligible costs incurred, and settle these invoices as soon as possible.	C Mallon	Noted	Y
SPR/84/2020	Recommencement of Charging and Enforcement in off street car parks	It was agreed that Council delay the introduction of car parking charges until Monday 10th August 2020 and that this be reviewed before reintroduction of car parking charges. It was also agreed to recommence enforcement of parking compliance across the District on 1st July 2020.	C Mallon	Noted	Y

SPR/85/2020	Surplus Assets at June 2020	<p>the following was agreed:</p> <ol style="list-style-type: none"> 1. Note the report and appendix A which had been attached to the officers report. 2. To remove 7 assets from the Surplus Asset listing And retain for Council use namely: <ul style="list-style-type: none"> - Mare's Field Recreation Area, Camlough - Art McCooley Play Park, Glassdrumman, Crossmaglen - Bog Road Amenity Area/Picnic Area/Play Area, Forkhill - Linkside Park Play Area, Newcastle - Carlingford Park Play Area/Bitmac Area, Newry - Surplus strip of land, Saintfield Community Centre - Gallows Hill, Struell Road, Upper Scotch Street, Downpatrick 3. To release 6 assets deemed surplus for open market sale: <ul style="list-style-type: none"> - Ashtree former Play Area, Rathfriland Road, Newry - Bleary Bungalows Play Area, Newry - Coreagh Refuse Site, Newry - Daisy Hill Nurseries, Carnagat Section, Newry - Lock Keepers Cottage, Newry Canal - Crown Villas Play Area, Crieve Road, Newry 4. To release 1 asset on D1 process: <ul style="list-style-type: none"> - Lismore Park, Playing Field, Crossmaglen 	D Carville	Noted	Y
SPR/86/2020	Commercial unit at Newry Variety Market	It was agreed that that members authorise the direct payment to LPS of the sum of £9,282.00 representing the arrears of rates on behalf of the tenant of unit 18B Newry Variety Market, and to note the proposed regularisation of legal agreements with all occupiers of these units.	D Carville	Noted	Y

END

Report to:	Strategy, Policy and Resources Committee
Date of Meeting:	13 th August 2020
Subject:	Newry City Centre Regeneration – Notice of Motion
Reporting Officer (Including Job Title):	Conor Mallon - Director Enterprise Regeneration and Tourism
Contact Officer (Including Job Title):	Adrian Grimshaw - Project Director

Confirm how this Report should be treated by placing an x in either:-

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	<p>Notice of Motion received from Councillor Malone:</p> <p><i>"The Council recognises that society has changed fundamentally within the last four months and there will most likely be austere times for many residents of our district for the foreseeable future, the Council also recognises the new financial realities in the time ahead for us as a local authority and therefore it is now time to postpone any further work on the proposed new civic centre project for the remainder of this term"</i></p> <p><u>Purpose</u></p> <p>To update members on the current progress with the NCCR project, report on the strategic objectives and benefits of the Newry City Centre Regeneration Project, present the key milestones achieved, outline the proposed decision-making process, advise on current programme, and inform members in advance of the notice of motion on the consequences of any decisions made.</p> <p><u>Background</u></p> <p>The Council Corporate Plan 2015-2019 set out as one of the key actions the establishment of a new Civic Centre for Newry to help attain a number of strategic objectives The Civic Centre project has evolved through detailed strategic reviews, including site assessments, consultation with Council, public engagements and business engagement into a programme of City Centre Regeneration works including a Civic Hub, enhanced Theatre/ Conference facility, associated public realm, Grade A office accommodation and Traffic, Transportation and Car Parking strategy. (See Appendix 1).</p>
2.0	Key issues
2.1	<u>Strategic Objectives & Benefits</u>

The vision is that by 2030 Newry City Centre will be a vibrant regional gateway, a place of quality that connects people and business and provides opportunities for all.

Strategic Objectives

- Act as a catalyst for private sector investment and job creation in the city centre
- Help Newry to become a Regional Gateway between North and South
- Animate the City Centre and promote Newry culturally
- Contribute to the regeneration of the City Centre and building a quality place
- Increase civic pride throughout the NMD Council area
- Contribute to the health and wellbeing of the community through our community planning partners

Project Specific benefits

- Increase city centre footfall
- Regenerate Newry City Centre
- Unlock development opportunities – private sector
- Improved environment for Council to engage with customers, improved accessibility to council services
- Release of key council assets to community planning partners
- Increased volume/range of events
- Increased overnight visitors to Newry
- Increased local employment opportunities
- Increase in Newry's cultural offering
- Increased night time economy/visitor expenditure

Key milestones achieved

- Belfast Region City Deal funding approved for Public Realm and Grade A Office Accommodation elements and digital funding for innovation (forms part of the wider BRCD funding for local government contribution)
- Site location selected for the Civic Hub
- Preferred solution selected for the Theatre/ Conference facility
- Statutory planning pre-application consultations well advanced
- Developed a partnership with DfI Rivers to deliver the flood alleviation elements associated with the project
- Positive discussion with Diocese on possible opening up of Cathedral Gardens as part of the public realm
- Southern Trust approval to proceed with developing case to acquire Monaghan Row – See Appendix 2
- Active travel initiatives announced and will be integrated into the projects
- Partnership with DFC, DfI to deliver the traffic, transportation and car parking strategy
- Positive engagement with Central Government to create a regional hub

Impact of COVID 19

Council have commissioned CBRE to carry out a strategic review on the impact of COVID 19 on Real Estate within Newry, Mourne and Down District Council Area. The purpose of the review is to develop an understanding of the impacts of the Coronavirus pandemic on the District with respect to what the future for real estate will look like in the aftermath and during the recovery phase and what opportunities and challenges, the council and district are likely to encounter, with a particular focus on, but not limited to, the hospitality, tourism, hotel and office accommodation sectors.

There is a move from "traditional" office space towards a more collaborative type of space that will recognise the change with remote working now possible. Early discussions have taken place with Department for Finance and how the new Civic space in Newry can accommodate those staff who may work remotely but will also require collaborative meeting space on a frequent basis to ensure connectivity with the business leads. A significant proportion of Civil Servants who live in the NMDDC area pre-Covid travelled to Belfast for work and given that more people will be minimising travel and having an element of home working for the foreseeable future there is an opportunity for development of collaborative space.

Council have been considering with our design consultants the impact on both office and theatre/conference space as a result of COVID and this is also being considered within the Business Case development to be presented as part of the BRCD.

The Senior Management Team have also been considering the impact of COVID on working arrangements and the new remote working opportunities. Each Directorate is reviewing the most effective and efficient working arrangements for each job role within the Council with consideration of the following elements:

1. Effectiveness of remote working (including productivity and connectivity issues)
2. Impact on mental health and wellbeing on staff
3. Culture and connection to the organisation
4. Importance of connection to the local area

A review of the IT Strategy has also commenced to ensure that the organisation can maximise the Council's estate and ability to use Technology to improve business process. A pilot collaborative working space project has been developed for the Downshire Civic Centre and this will be commenced in August/September with review in early October 2020.

A full review of Council finances has been ongoing since April 2020 to consider the impact of COVID 19 on the Council budgets. This work is ongoing through the Efficiency Working Group and SPR committee and will determine the Council's financial viability to commit to future capital costs. All projects within the capital plan, in line with Council policy will be presented together with a business case and review of finances to the relevant committee prior to any commitment to additional capital costs.

The outcomes of all reviews detailed within this report will be presented to the Councils Efficiency Working Group and Projects Boards as relevant with recommendations presented to SPR Committee for decision.

Decision Making Process

The Newry City Centre Regeneration project is a Strategic Capital project for Council. All Strategic Capital Projects are subject to governance and scrutiny in accordance with council approvals through the established committee structures. Strategic decisions on all capital projects identified within the overall capital programme are subject to scrutiny by the Efficiencies Working Group with recommendations taken to SPR committee and full Council.

The Decision-making process on the individual NCCR projects will also be subject to the scrutiny and approval procedure as outlined below.

- Outline Business Case approval by Project Board, Strategic Policy & Resources and Full Council Committee's
- Outline Business Case approval by Department for Communities/ Belfast Region City Deal Executive Board
- The decision to submit planning applications on each project will be subject to approval by Project Board, Strategic Policy & Resources and Full Council Committee's
- The decision to progress to procurement on each project will be subject to approval by Project Board, Strategic Policy & Resources and Full Council Committee's
- The decision to award contracts on each project will be subject to approval by the Project Board, Strategic Policy & Resources and Full Council Committee's

Programme

The Theatre/ Conference, Civic Hub and public realm works are currently at Concept Design stage. The Grade A office accommodation and Traffic, Transport & Car Parking are at brief preparation stage

The key project dates going forward are set out below.

<u>Activity</u>	<u>Target Date</u>
Outline Business Case recommendation by Project Board	August 2020
Outline Business Case through SP&R & Full Council	September 2020
Belfast Region City Deal Business Case Checkpoint 2	21 th August
Belfast Region City Deal Business Case Executive Approval	5 th September

	Theatre/ Conference - approval to submit planning application and commence procurement	October 2020
	Belfast Region City Deal submission to Central Government	November 2020
	Civic Hub - approval to submit planning application and commence procurement	December 2020
	Theatre/ Conference - approval to appoint Contractor	May 2021
	Civic Hub - approval to appoint Contractor	July 2021
	<p><u>Funding Context</u></p> <p>The Newry City Centre Regeneration project is funded via NMDDC, the Belfast Region City Deal (Dept for Communities). The NCCR investment in the City Centre Regeneration scheme forms Councils contribution to the wider BRCD programme, securing potential funding in excess of £10m for the NCCR programme from a range of external funders and is interlinked with the overall proposed programme of works for the District in the BRCD. In addition to shared funding the Council and BRCD funding targets interdependent outputs, where by the Council funded assets i.e. the Theatre/ Conference and Civic Hub buildings combined with BRCD funded public realm will create spaces within Newry city core that will encourage footfall, and provide a public place for programmed events that engage the City's historic assets. The combined funding signifies a statement of civic intent within the City, encouraging the private sector to invest in a City that is looking to the future with confidence and will retain the economic viability of the area.</p> <p>The Newry City Centre Regeneration scheme is developed as a coordinated business case with interdependence between the various elements and funders. BRCD funding for the Public Realm and Grade A office is reliant on Council committing to delivery on the Theatre Conf and Civic Hub.</p> <p>Any change to the programme of BRCD funded elements within the NCCR project could create reputational delivery risk, create uncertainty for the Digital/ Innovation elements and place funding at risk.</p> <p>In addition, any changes from the proposals in the approved Strategic Case will require a new Outline Business Case at additional costs, would likely incur consultant's termination costs and result in failure to meet the BRCD submission date of November 2020.</p> <p>The Financial details for the Newry Regeneration project are set out at Appendix 3.</p>	
3.0	Recommendations	
3.1	The committee notes the current reviews ongoing in relation to the impact of COVID 19 on remote working and the real estate market and the business case review of the Newry City Regeneration Programme.	

	The Committee approves the continuation of work on the Newry City Regeneration programme to enable the projects to reach tender readiness and planning approval. As noted above any decision to proceed to issue a tender for capital build will come back to SP&R Committee for decision.
4.0	Resource implications
4.1	<p>Appendix 1 Appendix 2 Appendix 3</p> <p>This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.</p>
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p>

	<i>Rationale:</i>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices
	<p>Appendix 1 – Engagement Appendix 2 – Letter from Southern Trust Appendix 3 – Financial overview of Work on Newry City Regeneration Project</p> <p>Appendix 3 is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business</p>
8.0	Background Documents
	N/A



Marie Ward
Chief Executive,
Newry Mourne and Down District Council,
Monaghan Row,
Newry,
BT35 8DJ

4th August 2020

(By email)

Dear Marie,

Over the past year the Chamber's Board has had a number of valuable discussions with you and Conor Mallon on the Council's ambitious regeneration plans for the City Centre. These plans are aligned closely to the Chamber's vision to promote Newry as a place to live and work. Having worked with you closely during the response to COVID 19, the Chamber understands the task underway to reassess priorities post COVID 19.

Clearly these are challenging times but the Board has asked me to confirm our continuing support for the vision of regenerating our City and ensuring Newry continues to be seen as a key regional City, on the eastern economic corridor between Dublin and Belfast.

The Board holds the view that the regeneration plans are a statement of Newry's ambition to be that key economic centre and that the Council's plans are a catalyst in attracting further private sector investment. COVID 19 may impact the timeline and the detailed delivery of the projects. But we must not lose sight of the long-term benefits for Newry and the broader District Council Area.

We need to think of how people will use and enjoy our City in the future. The new Conference and Arts Centre will have a role in attracting people, both day and night: providing an important economic stimulus to the City centre. The associated public realm and the public space to the rear will exploit the canal and river. This, with the Albert Basin, fits in with the changing lifestyles which people now want to enjoy. Both projects meet this need.

The Civic Centre will complete the regeneration of that part of the City and complement the new Conference and Arts Centre, providing a balanced core at the heart of the City. The Civic Centre itself is an important statement of intent. In addition to being used by the Council's staff, it can act as an important regional hub attracting Civil Service jobs to Newry.

As a Chamber we have been strong advocates of Daisy Hill Hospital and the Council's preliminary discussions on the releasing of your present site on Monaghan Row: if successful, it will ensure the retention of Daisy Hill as an important Regional Hospital. The Chamber is happy to support the Council in any way to facilitate these discussions.

NEWRY CHAMBER OF COMMERCE & TRADE

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To conclude, the Board recognises that COVID 19 will change how we all live and that the Council needs to review its priorities. The retention of an ambitious regeneration plan for the City can be part of our economic recovery plan, creating employment and new opportunities for the Greater Newry Area.

In 2022 we celebrate the 20th anniversary of Newry achieving City status. As a Chamber we retain our vision for Newry as a premier destination for retail, tourism, investment, entrepreneurship, and employment and as a happy, healthy place to live and work. Post COVID 19, we look forward to working with the Council to deliver on that vision.

Regards

Colm Shannon
Chief Executive Officer
Newry Chamber of Commerce & Trade

NEWRY CHAMBER OF COMMERCE & TRADE

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Quality Care - for you, with you

Chair
Roberta Brownlee

Chief Executive
Shane Devlin

Our ref: SD/ew

17 July 2020

BY EMAIL

Marie Ward
Chief Executive
Newry, Mourne & Down District Council
District Council Offices
O'Hagan House
Monaghan Row
NEWRY
BT35 8DJ

Dear Marie

Further to our conversations I felt it would be helpful to follow up, in writing, to advise you of the position with regards to our interest in purchasing the current Newry, Mourne & Down District Council Offices adjacent to Daisy Hill Hospital.

As you know the ability for us to extend the footprint of Daisy Hill Hospital is extremely limited and therefore the opportunity that the Council Offices provides is considerable. The demand for suitable accommodation is ever growing and now with the need to ensure compliance with social distancing, this acquisition would help solve some of those needs, both medium and long-term. It could also facilitate moving services off the acute DHH site to allow for future expansion and ensure, that as far as was possible, only those services that need to be on an acute site are located there.

● Page 2

On 2 June 2020, the Senior Management Team of the Trust took the decision to approve an initial opportunity appraisal for the site and we are now in the process of developing an Outline Business Case to present for approval to our Trust Board.

I will update you further when timelines are confirmed, but in the meantime please do not hesitate to contact me should you have any questions.

Yours sincerely



SHANE DEVLIN
CHIEF EXECUTIVE

Report to:	Strategy, Policy & Resources Committee
Date of Meeting:	13th August 2020
Subject:	Consultation on the Code of Conduct for Local Government Employees
Reporting Officer (Including Job Title):	Catrina Miskelly, Assistant Director Corporate Services
Contact Officer (Including Job Title):	Eimear McGrath, HR Business Partner

Confirm how this Report should be treated by placing an x in either:-

For decision	X	For noting only	
1.0	Purpose and Background		
1.1	The Local Government Staff Commission (LGSC) wishes to consult with councils, the NIHE and other key stakeholders on a revised Code of Conduct which was developed by a Working Group, comprising representatives from the Councils, NIHE, the Department for Communities and the Trade Unions.		
1.2	The amendments to the Code have been made to take account of best practice, examples of similar Codes of Conduct in other public sector bodies and issues that councils have encountered in operating the current Code.		
2.0	Key issues		
2.1	The updated draft Code of Conduct for Local Government Employees is provided at Appendix 1.		
2.2	The key changes to the Code of Conduct are outlined in a Schedule of Amendments provided at Appendix 2.		
2.3	This Council's proposed responses are contained in Consultation Response Questionnaire provided at Appendix 3.		
3.0	Recommendations		
3.1	That Members agree to the Consultation Response Questionnaire at Appendix 3.		
4.0	Resource implications		
4.1	Due to COVID-19, the Commission decided to extend the closing date for consultation responses to Wednesday 30th September 2020 . NMDDC has HR representation on the Working Group which will review the consultation responses prior to the new Code being issued.		
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)		
	<p>1. General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☒</p>		

	<p>2. Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
	<p>3. Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p> <p>If no, please complete the following:</p> <p>The policy / strategy / plan / public service is not influenced by rural needs <input checked="" type="checkbox"/></p>
7.0	<p>Appendices</p>
7.1	<p>Appendix 1 - Updated draft Code of Conduct for Local Government Employees Appendix 2 - Schedule of Amendments to the existing Code of Conduct Appendix 3 - Proposed NMDDC Consultation Response Questionnaire</p>
8.0	<p>Background Documents</p>
8.1	<p>None</p>

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

September 2020

CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

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CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

1.0 INTRODUCTION

1.1 Status of the Code

Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include:

“establishing and issuing a code of recommended practice as regards conduct of officers of councils”.

This Code has been drafted by a working group comprising officers from local government, the Department for Communities, the Local Government Staff Commission and the Trade Unions. It has been agreed by the Local Government Staff Commission and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.

It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by all councils and the Staff Commission from **1 October 2020**.

It is desirable for the protection of the public and the protection of employees that guidance be given to local government employees as to the conduct expected of them. This Code provides guidance to assist councils and their employees in their day-to-day work and sets out the minimum standards of behaviour expected.

The aim of the Code is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.

2.0 FRAMEWORK FOR THE CODE

The public is entitled to expect the highest standards of conduct from all employees who work for district councils and this Code has been developed in line with best practice, existing legislation and the following guidance.

The provisions of this Code apply to all staff employed by councils in Northern Ireland and the Local Government Staff Commission for NI in the performance of their duties on a day-to-day basis including any additional offices to which they may be appointed in their capacity as a district council employee (see Appendix 1, page 22 for a definition of employee/member of staff).

2.1 National Agreement on Pay and Conditions of Service (the National Agreement)

The basic principle is stated in Part 2 paragraph 2, Key National Provisions of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (the National Agreement):

2. Official Conduct

- 2.1 *Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.*
- 2.2 *Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.*

Similar provisions are incorporated in the National Conditions of Service of Chief Executive and Chief Officers.

2.2 Principles of Conduct

This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life (established in October 1994) and the five further principles of conduct that have been adopted by the Northern Ireland Assembly, both emphasise that those in public life should practice:

- **Public Duty** - uphold the law and to act on all occasions in accordance with the public trust placed in them and act in the interests of the community as a whole.
- **Selflessness** - act in the public interest at all times and take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.

- **Integrity** - not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- **Objectivity** - in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** - are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- **Honestly** - act honestly. Have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** - promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- **Equality** - promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- **Promoting Good Relations** - act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.

- **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Councillors and councils, they should therefore show respect and considerations for others at all times.
- **Good Working Relationships** - Councillors and Employees are servants of the public and are interdependent upon one another. But their responsibilities are distinct. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 **CONSULTATION AND IMPLEMENTATION**

This Code was drafted and agreed by a working group comprising officers from local government, the Department for Communities, the Local Government Staff Commission and the Trade Unions.

The Code was issued for consultation in February 2020. The Code will be finally revised and issued for implementation with effect from **1 October 2020**.

4.0 **MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

4.1 **Standards of Behaviour, Impartiality and Conflicts of Interest**

Council employees (see Appendix 1, page 22 for a definition of employee/member of staff) are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to councillors and fellow employees this must always be done with impartiality.

Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 4.14, page 18 - *Whistleblowing* which provides more detail about an employee's responsibilities in this regard).

Responsibility is placed on every member of staff to disclose to an appropriate manager or officer of the council every potential conflict of interest in which he/she may be involved. Employees must complete the Register of Interests in line with the Council policy on Conflict of Interests and must declare any new interests to the Designated Manager as soon as they become aware of them. They also have a responsibility to advise their new line manager if they change their role/position in the Council. For further information, employees should also refer to the NIAO ['Conflicts of Interest: A Good Practice Guide'](#).

In general employees' private interests must not have the potential for allegations of impropriety or partiality which might bring the Council into disrepute. This includes standards of behaviour outside the working environment where the employee is known to be an employee of the Council. This also extends to the use of social media outside of work, for example, some councils do not allow their employees to state that they work for the council on their personal facebook profile. Further information can be found in the Council's Social Media Policy ([insert hyperlink](#)).

Employees should not use their official position, or information acquired in their official duties, to further their private interest or those of others.

Employees must report to the appropriate manager any impropriety or breach of the terms of this Code.

4.2 Disclosure of Information

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public (see Appendix 1, page 19 for examples). The Council itself may also decide to be open about other types of information.

The Council should therefore make clear to employees:

- the types of information which must be made available, and to whom;
- the types of information which the Council has voluntarily made open, and to whom;
- the types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Employees must ensure that they process data lawfully in accordance with the data protection principles. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Any particular information received by an employee from an individual, (including a councillor) which is personal to the individual should be kept confidential, except where such disclosure is required or sanctioned by law, for example, where an individual shares information which may be a safeguarding issue, this must be shared with the Council Safeguarding Officer and passed on to the relevant agency, or where the individual provides their permission to disclose the information.

4.3 Political Neutrality

Employees serve the Council as a whole. They must serve all councillors equally, and not just those of a particular group, for example the majority/main party, and must ensure that the individual rights of all councillors are respected.

Some employees may be required to advise political groups. In providing this advice, employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

All employees must not let their own personal or political opinions interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. This does not compromise an officer's rights in relation to collective trade union representation and engagement, and lawful trade union activity.

An employee of a council cannot stand or be elected as a councillor (Local Government Act (NI) 1972, Section 4).

Appendix 2 (page 23) outlines guidance on participating in political activity for council officers.

4.4 Potential Conflict of Interest Situations

As specified in paragraph 4.1, page 8 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Council into disrepute.

Appendix 3 on page 24 sets out a model Declaration of Interest Form, extracted from the NI Audit Office Guidance.

In particular, attention is drawn to the following examples of situations where potential conflicts of interest can occur:

Relationships with Councillors

Employees are responsible to the Council through its senior managers and in many cases in carrying out their duties they also give advice to councillors. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage this relationship and prove embarrassing to other employees and councillors and should therefore be avoided (see paragraph 4.1, page 8 - *Standards of Behaviour, Impartiality and Conflicts of Interest*, in relation to disclosing every potential conflict of interest).

Employees should deal with councillors in a polite, professional and efficient manner. They should not approach or attempt to influence councillors in relation to personal or contractual matters, for example, a potential regrading of their post.

Employees should not report any issues or concerns regarding the operation of the council to a councillor. These should be raised with their line manager, or by following the whistleblowing procedures, if appropriate.

Employees should report to an appropriate manager if a councillor attempts to pressurise them to deal with a matter which is not in accordance with Council procedure or policy.

This does not compromise an employee's rights as a ratepayer to access and/or question the provision of Council services to them through open and transparent Council procedures, for example, in relation to a planning or refuse collection issue

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.

For further advice and guidance, refer to the Local Government Employee and Councillor Working Relationship Protocol attached at Appendix 4, page 27.

Contact with the Community and Service Users

The community and service users have a right to expect a high standard of professional service from the Council. Employees have a responsibility to the community they serve and should, ensure courteous, effective and impartial service delivery to all groups and individuals within the community.

Employees should always try to be positive, constructive and inclusive. This may require reasonable adjustments to be made for example, for someone whose first language is not English or who has a disability.

Employees also have a right not to be verbally or physically abused by the community and service users. Any incidents should be reported immediately to the employee's line manager.

Relationships with Contractors, Planning Applicants and those applying for Council Grant

All relationships with external contractors or potential contractors or applicants for planning consent or grant must be made known to the appropriate manager. Similarly, any beneficial interest or licence in respect of land which is affected by a planning application must be made known to the appropriate manager.

Employees who are employed within the Planning Department must also adhere to the Planning Code of Conduct – [\(insert hyperlink\)](#)

Orders and contracts, grants and planning decisions must be decided on merit and no special favour should be shown in the procurement process to any businesses or potential suppliers particularly those run by, for example, friends, persons to whom the employee owes (or is owed) an obligation, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 19 for a definition of family relationship).

Employees who deal with, engage or supervise contractors or process or determine applications under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager as soon as they are aware.

Employees must not accept money or any other reward from any organisation, body or individual who may benefit from work or funding provided by the council. To do so would, in law, be corrupt.

Bribery & Corruption

Under the Bribery Act 2010 it is a serious criminal offence to

- Offer, promise or give someone a reward to induce them to perform their functions or activities improperly.
- Accept, agree to accept or request a reward in return for performing a relevant function or activity improperly.
- Bribe a foreign public official in order to win business, keep business or gain business advantage for the organisation.

4.5 Appointments and Other Employment Matters

Employees involved in appointments should at all times act in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection (Code of Procedures).

The Code of Procedures at Part D, Stage 2 – Conflict of Interest, page D:52 states:

"Responsibility is placed on every panel member to disclose to an appropriate manager or officer of the council where potential conflict of interest may be present, for example partners or persons where a family relationship is deemed to exist, or if an individual has agreed to act as a referee for an applicant"

and

"Where a potential conflict of interest exists, the issue is not about satisfying the conscience of the individual. Public perceptions and also those of other candidates must be considered and, in such cases, it may be appropriate for the individual to withdraw from the recruitment exercise."

Similarly, employees should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee with whom they have a close personal relationship, a person to whom the employee owes (or is owed) an obligation, partner or person where a family relationship is deemed to exist (see Appendix 1, page 19 for a definition of family relationship). For further examples of Potential Categories of Interests see Appendix 1, page 20.

4.6 Outside Commitments

Employees must not have any external business, external employment or external appointment without advising their line manager. Employees should declare through the Staff Declaration Register if any of the following apply to the business, employment or appointment, and engagement in it would, in the Council's view:

- not be in the Council's interests
- put the employee in a position where duty to the Council and external interests would conflict, or are likely to conflict
- weaken public confidence in the impartiality of the Council or in the effective conduct of the Council's work.

Engagement in any external business, employment or appointment will be deemed to act detrimentally to the Council's interests where it may give rise to or contribute to an employee's sickness absence, or deterioration in performance.

Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

Employers and employees of councils should be aware of their responsibilities under the European Working Time Directive.

4.7 Personal Interests

Employees should review regularly their personal circumstances and take steps to deal with any potential conflict of interest (refer to paragraph 4.1, page 8). As soon as they become aware of a potential conflict, employees must declare to an appropriate manager any financial or non-financial interests that they consider could bring about conflict with the Council's interests, for instance:

- membership of an organisation receiving grant aid from the council.
- membership of an organisation or pressure group which may seek to influence the Council's policies.
- membership of an organisation which may seek to influence the performance of an employee in carrying out their duties.
- having a beneficial interest in land which is within the Council's district and is subject to any planning application.
- having a beneficial interest in a company which is seeking to, or doing business with the council

Employees who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Council services or resources from which they, their friends, persons to whom they owe (or are owed) an obligation, or family might benefit and should ensure that the matter is referred immediately to their line manager.

The Council recognises and respects the right of all employees to become members of organisations. However, employees must declare personal interests where there is, or could be perceived to be, a conflict of interest between their duties as an employee and their membership of the organisation.

4.8 Equality Issues

All members of the community, customers and employees have a right to be treated with fairness and equity.

In this regard employees must:

- be made aware of their obligations under Section 75 of the Northern Ireland Act 1998, other relevant equality law and the Human Rights Act 1998 (see Appendix 1, paragraph 4, page 21);
- co-operate with the Council in the application of any policies agreed by the Council relating to equality issues;

- not take discriminatory action or decisions or encourage or put pressure on fellow employees to take discriminatory action or decisions;
- report any concerns about discriminatory conduct to their line manager or other appropriate employee.

4.9 Separation of Roles During Procurement

Employees involved in the procurement process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. All employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. Employees who are privy to confidential information relating to the tendering process should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

Employees should ensure that, in awarding contracts, no special favour is shown to current or former employees or someone with whom they have a close personal relationship, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 19 for a definition of family relationship) or to businesses run by them or employing them in a senior or relevant managerial capacity.

4.10 Fraud and Corruption

Employees must be aware that, under the Bribery Act 2010, it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity (see paragraph 4.12, page 17 for guidance on *Hospitality and Gifts*).

Employees must adhere to the highest principles of integrity and must comply with all relevant policies in relation to expenses, travelling and mileage allowances.

Employees should also refer to the Council's Fraud policy ([insert hyperlink](#)).

4.11 Use of Financial and other Council Resources

Employees must ensure that they use public funds entrusted to them in a responsible manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

An employee who, in their role in the Council, is responsible for a significant budget and becomes insolvent or bankrupt, must inform their line manager promptly.

4.12 Hospitality and Gifts

Employees should only accept offers of hospitality or invitations to attend social or sporting functions where the Council should be seen to be represented. They must be properly authorised and recorded in accordance with the Council's policy.

If an employee is in any doubt about the propriety of accepting any hospitality, he/she should take advice from their line manager.

When hospitality has to be declined, those making the offer should be courteously advised of the procedures and standards operating within the authority. Offers of hospitality which are declined should also be recorded in the Gifts and Hospitality register.

Employees should not accept personal gifts from contractors, members of the public and outside suppliers, although the Council may wish to allow employees to keep items of token value such as pens, diaries etc in line with the Council policy on Gifts and Hospitality ([insert hyperlink](#)).

When considering whether or not to accept authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- it is clear that the hospitality is corporate rather than personal;

- any offers of hospitality are reported and agreed by the employee's line manager in advance, or
- where the Council is satisfied that any procurement decisions are not compromised.

Where a visit is necessary, to inspect equipment for example, the Council should consider meeting the cost of the visit to avoid jeopardising the integrity of the Council in subsequent procurement decisions.

4.13 Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any friends, partners or persons where a family relationship is deemed to exist (see Appendix 1, page 19 for a definition of family relationship) must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

4.14 Whistleblowing

If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under The Public Interest Disclosure (Northern Ireland) Order 1998, in line with the Council's Whistleblowing Policy ([insert hyperlink](#)).

Any employee raising such concerns need have no fear of recrimination. He/she will be properly supported and his/her identity will not be revealed.

4.15 Breaches of the Code of Conduct

Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may be a disciplinary matter.

Appendix 1

LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT

1. Disclosure of Information (paragraph 4.2, page 9)

Data Protection Act 2018

Freedom of Information Act 2000.

Part 8, sections 42-52 of the Local Government Act (Northern Ireland) 2014 deals with Access to meetings and Documents.

Obligations of Discovery in connection with litigation.

Human Rights Act 1998

General Data Protection Regulation 2018

2. Potential Conflict of Interest Situations (paragraph 4.4, page 10)

Persons who owe you an obligation, or to whom you owe an obligation – this might include a debtor, creditor, fellow member of an organisation.

Very close personal relationships may also create a conflict, e.g. a good friend.

Family Relationship

For the purposes of the Code of Conduct, a relevant family relationship shall be deemed to exist between an officer and another person if they are:

- Married
- Civil Partners
- Cohabiting as if they were married
- Cohabiting as if they were civil partners (partners)

or the other person is a biological, adopted, foster or step relative to an officer or of that officer's married partner, civil partner, or partner under one of the following categories:

- Child
- Parent
- Sibling
- Son in law or Daughter in law
- Mother in law or Father in law

- Sister in law or Brother in law
- Uncle or Aunt
- Nephew or Niece
- Grandson or Granddaughter
- Grandparent

For the avoidance of doubt, a personal relationship for the purposes of the Code of Conduct includes:

- a family relationship other than that specified above
- a business/commercial/financial relationship
- a sexual/romantic relationship
- a friendship

Potential Categories of Interest relating to Additional Employment

The following guidelines have been adapted from the NI Civil Service conflict of interest guidelines relating to additional employment

The following extract¹ deals with mitigating the conflict of 'being an employee, director, partner of another business or organisation, or pursuing a business opportunity':

"If an employee wishes to undertake any work (paid or unpaid) with another employer they must first obtain permission from their line manager/the Council.

No remunerative private work of the following description may be undertaken:

- a. work which would occupy your time or attention or render you unavailable for duty during normal official hours;*
- b. work identified in any way with the activities of a political party, group or organisation;*
- c. work of an educational, literary or scientific nature involving the use of information acquired by you in your official capacity or from official sources, except where it has previously been published, unless you have received the permission of your employing department to undertake such work;*

¹ NICS Staff Handbook, Section 6.01, paragraph 6.1 and 6.2

- d. *work of a nature conflicting with your duty to the Council*
- e. *work which may ultimately have to be reviewed by you or any member of the Council acting in an official capacity;*
- f. *work, related to your function, which an employee of the Council might otherwise justifiably undertake, but which is of such a scale as to involve unfair competition with persons wholly dependent on such work for a livelihood;*
- g. *work which would involve the use of the property, tools, equipment or materials of the Council; and*
- h. *work which is, or might be, inconsistent with your position as a public servant and may expose you or the Council to public criticism."*

3. Appointments and Other Employment Matters (paragraph 4.5, page 13)

Code of Procedures on Recruitment and Selection

Part B - General Principles Underpinning the Code (on page 4) recommends actions to ensure that appointments are made under the merit principle.

Section 41 of Local Government Act (NI) 1972 deals with appointments to councils

4. Equality Issues (paragraph 4.8, page 15)

Legislation

- The Employment Equality (Sexual Orientation) Regulations (NI) 2003
- The Employment Equality Age Regulations (NI) 2006
- Sex Discrimination (NI) Order 1976
- Fair Employment and Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Rehabilitation of Offenders (NI) Order 1978 and Exceptions Order 1979
- Equal Pay Act (Northern Ireland) 1970
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002

- Parental Rights and Flexible Working under the Employment Rights (Northern Ireland) Order 1996
- Northern Ireland Act 1998
- Human Rights Act 1998
- General Data Protection Regulation 2018

5. Fraud and Corruption (paragraph 4.10, page 16)

Section 46 of Local Government Act (NI) 1972 deals with the declaration of interest where an employee has a pecuniary interest and with recording of such interests. Not to do so will be an offence.

Section 47 of the Local Government Act (NI) 1972 forbids employees to accept payment apart from their salary/wage.

KEY TERMS USED IN THE CODE OF CONDUCT

Employee/s or Member/s of Staff

The terms employee/s or member/s of staff should be taken to mean any individual/s employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Code also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council.

Appendix 2

Guidance on Participating in Political Activity

The working group are seeking views on whether the Code of Conduct should contain guidance on council employees participating in political activity depending on their role in the council, for example canvassing for a political party, expressing views on political matters in letters to a newspaper, or in books, articles or leaflets.

Draft

Appendix 3

Model Declaration of Interest Form

(extracted from the [NI Audit Office 'Conflicts of Interest: A Good Practice Guide'](#))

Register of Interests:

Declaration by Member of Staff

Period: 1 January 20xx to 1 January 20xx

Surname	
Forename	
Title	
Department	
Job Title	
Date of Appointment to Current Position	
Date of Appointment to Council (if different)	

Please include dates and role

1. Company interests – any relationship with a company or commercial organisation; Directorships, paid employment, consultancy, close family connection.

2. Self employment

3. Land or Property Holdings – see page 6 of the NIAO Guidelines on Conflicts of Interest and Representation on Outside Bodies

4. Charities – trusteeships, governorships or employment with any charities or voluntary organisations.

5. Public Appointments – remunerated or unremunerated.

6. Memberships – including membership of professional or external bodies, trade or other associations

7. Close Family Links – specific close family interest in any of the above

8. Other interests – any other interests held by you or your close family

I confirm that the above declaration is complete and correct to the best of my knowledge and belief. The interests I have declared include both direct and indirect interests (ie. those of a partner, spouse or close relative) and any specific financial interests are shown.

Signature:

Date:

Print:

Appendix 4



Department of the
Environment

www.doeni.gov.uk

Local Government Policy Division 1

To:
Current Chief Executives
Chief Executives of New Councils
HR Managers
Change Managers

Circular LG 43/2014

Level 4
Causeway Exchange
1-7 Bedford Street
Town parks
BELFAST
BT2 7EG

Telephone: (028) 9082 3396

Email: peter.gregg@doeni.gov.uk

Date: October 2014

Dear Sir / Madam

Local Government Employee and Councillor Working Relationship Protocol

The Northern Ireland Local Government Code of Conduct for Councillors is now in place, in line with the statutory requirements in the Local Government Act (Northern Ireland) 2014.

As a separate exercise, The Local Government Reform Joint Forum (LGRJF) has reviewed the Local Government Officer Code of Conduct.

A protocol on working relationships between Councillors and Local Government Officers was previously annexed to the Local Government Officer Code of Conduct, and the Department has revised this in consultation with key stakeholders to create a stand-alone protocol as an annex to both codes. The agreed working relationship protocol is attached for your organisation to implement.

Yours faithfully

Peter Gregg
HR and Capacity Building
Local Government Policy Division 1
Enc.

cc: Dr Adrian Kerr LGSC
Dermot O'Hara LGRJF Secretariat



Local Government Employee & Councillor Working Relationship Protocol

Issued: October 2014

Local Government Employee and Councillor Working Relationship Protocol

1.0 Introduction

- 1.1 The Local Government Act (Northern Ireland) 2014 (the 2014 Act) creates a new environment for Local Government in Northern Ireland. The 2014 Act includes a new ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.
- 1.2 The 2014 Act imposes a mandatory requirement for Councillors to observe the Northern Ireland Local Government Code of Conduct for Councillors (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. With the exception of Part 9 (Planning), the Code came into force on 28 May 2014 the Part of the Code which deals with planning will come into effect from 1 April 2015.
- 1.3 The Local Government Staff Commission for Northern Ireland is responsible for issuing the Code of Conduct for Local Government Employees (2004) (the Employee Code). In conjunction with the Local Government Reform Joint Forum, the Commission has prepared a revised Code of Conduct for Local Government Employees due to come into effect from 1 April 2015.
- 1.4 Local Government has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' or members of staff should be taken to mean any individual employed by a council including those working both full time and part time on a permanent, temporary, fixed term or inward secondment basis. The Protocol also applies to seasonal and casual staff, agency workers and volunteers while they are engaged in carrying out duties for the council), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees.

2.0 Purpose

- 2.1 The protocol is intended to set out the working relationship between Councillors and Employees of councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise. All issues raised under the remit of this protocol must be dealt with in the strictest confidence.

- 2.2 The protocol should also assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.
- 2.3 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life:-
- **Public Duty** - have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
 - **Selflessness** - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
 - **Integrity** - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
 - **Objectivity** - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
 - **Accountability** - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.
 - **Openness** - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
 - **Honesty** - should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
 - **Leadership** - should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
 - **Equality** - should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
 - **Promoting Good Relations** - should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
 - **Respect** - Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Employees, Councillors and councils, they should therefore show respect and consideration for others at all times.

- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. Employees are ultimately responsible to the Chief Executive²; Councillors are responsible to the electorate. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them, complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 Conduct of Local Government Employees towards Councillors

- 3.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide professional, impartial and effective support, to enable Councillors to fulfil their role, in and on behalf of, the council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.
- 3.2 It is important that there should be good working relationships between senior council employees and Chairs of Committees / Mayors. However such relationships should not be allowed to become so close as to cast doubt either on an officer's ability to deal impartially with other councillors, or the Chair/Mayor's ability to deal impartially with other employees.

4.0 Procedure

- 4.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

- 4.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.
- 4.3 If the matter is about the conduct of an Employee at Head of Service or Director level, the Councillor should address their concern to the Chief Executive.
- 4.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

^[2] A Chief Executive is also an employee and is ultimately responsible to the Council]

Formal Approach

- 4.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Head of Service or Director and make their Party Group Leader, if relevant, aware of the complaint.
- 4.6 The relevant Head of Service/Director (or Chief Executive if applicable), will ensure the matter is investigated according to the relevant council procedures consulting with appropriate human resource sections.
- 4.7 The outcome of the investigation may result in:-
- no further action being required,
 - a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
 - referral for consideration under the council's disciplinary procedure.
- 4.8 The Head of Service/Director (or Chief Executive if applicable), will write to the Councillor and Group Party Leader, if relevant, advising of the outcome.
- 4.9 The Employee will be informed in accordance with the relevant council procedures.
- 4.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities or the appropriate mechanism at that time will be followed.

5.0 Conduct of Councillors towards Employees

- 5.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their council's standing orders.

Procedure

- 5.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager and the following procedure should be followed:

Informal Approach

- 5.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Group Party Leader, if relevant.
- 5.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

- 5.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their recognised Trade Union representative, if applicable prior to raising the matter formally (verbally or in writing) with the relevant Head of Service or Director. The Employee and their representative may also raise the complaint directly with the senior Human Resource Employee in the Council.
- 5.6 The relevant Head of Service/ Director, (or senior HR Employee if applicable), will ensure the matter is investigated according to the appropriate council investigatory process.
- 5.7 The Councillor and Party Group Leader, if relevant, will be advised of the complaint and should agree to co-operate with the investigation to establish the facts.
- 5.8 The outcome of the investigation may result in:-
- no further action being required, or
 - a verbal or written apology to the Employee with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.

- 5.9 If the Head of Service/Director (or senior HR Employee), considers that the circumstances of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the Party Group Leader, if relevant. The minutes of this meeting should be presented to the appropriate governance committee for consideration.
- 5.10 The Head of Service/ Director (or senior HR Employee), will write to the Employee (and where appropriate their recognised Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.
- 5.11 The Councillor and the Group Party Leader, if relevant, will be informed in writing of the outcome of the investigation and consideration of further action.

(To note: This protocol does not preclude an employee, at anytime, if they think it necessary, to write to the Commissioner for Complaints setting out how, in their opinion, a Councillor has breached the Code).

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities on social media, to be maintained at all times.

Code of Conduct for Local Government Employees

Schedule of Amendments

February 2020

Background

This paper sets out a schedule of amendments for a revised Code of Conduct which was developed by a Working Group, comprising representatives from the Councils, NIHE, the Department for Communities and the Trade Unions.

The amendments to the Code have been made:

- to take account of best practice
- following a review of examples of similar Codes of Conduct in other public sector bodies
- to address issues which Councils had reported in operating the current Code.

When the consultation closes, the Working Group will meet to consider the responses received. The final amended Code of Conduct for Local Government Employees will then be approved by the Commission before being issued in September 2020 as a statutory recommendation to Councils for implementation by 1st October 2020.

2. Amendments

The structure of the Code remains the same. The significant changes are as follows:

Hyperlinks

Hyperlinks have been included throughout the document in order that councils can link to their own policy to provide employees with further information and greater clarity, for example, a Council's Policy on Social Media, Fraud or Gifts and Hospitality.

In particular:

- a link has been provided to the NI Audit Office 'Conflicts of Interest: A Good Practice Guide' (page 8)
- a link will be provided to the Planning Code of Conduct for those who are employed in planning departments

4.3 Political Neutrality (page 10)

A paragraph has been added to clarify that an employee of a council cannot stand or be elected as a councillor.

4.4 Potential Conflict of Interest Situations (page 10)

This has been updated to provide greater clarity, for example, the wording in relation to the relationship between councillors and officers, and between the community and service users.

4.6 Outside commitments (page 14)

This paragraph has been updated to reflect current ways of working, that is, that an individual is not required to seek approval from the council to have a second job or business.

4.11 Use of Financial and other Council Resources (page 17)

This paragraph has been amended to include a reference to a council employee, who is responsible for a significant budget, informing their line manager if they become insolvent or bankrupt.

Appendix 1 (page 19)

The definition of family relationship has been extended.

An extract from the NI Civil Service Handbook relating to additional employment has been adapted for local government and included.

Appendix 2 (page 23)

The working group are seeking views on whether the Code of Conduct should contain guidance on council employees participating in political activity depending on their role in the council.

Appendix 3 (page 24)

A model declaration of interest form has been included.

**Code of Conduct
for Local Government Employees**

Consultation Questionnaire

February 2020

Background

This paper seeks feedback on the amendments to the revised Code of Conduct which was developed by a Working Group, comprising representatives from the Councils, NIHE, the Department for Communities and the Trade Unions.

The amendments to the Code have been made:

- to take account of best practice
- following a review of examples of similar Codes of Conduct in other public sector bodies
- to address issues which Councils had reported in operating the current Code.

When the consultation closes, the Working Group will meet to consider the responses received. The final amended Code of Conduct for Local Government Employees will then be approved by the Commission before being issued in September 2020 as a statutory recommendation to Councils for implementation by 1st October 2020.

Feedback

General

Do you have any comments on the Code of Conduct in general?

Newry Mourne and Down District Council welcomes a revised Code of Conduct which better reflects modern day working in local government in Northern Ireland

Section 1 - 3 Introduction, Status and Framework of the Code

Do you have any comments on the Introduction, Status and Framework of the Code?

Newry Mourne and Down District Council agrees that the public is entitled to expect the highest standards of conduct from all employees who work for councils in Northern Ireland and the updated Code provides greater clarity on what that means.

Referencing Section 2.0 specifically, we would question the reference to '*district*' councils; given the provisions of this Code apply to all staff employed by councils in Northern Ireland which vary in size and designation, as well as the Local Government Staff Commission for NI.

4.1 Standards of Behaviour, Impartiality and Conflicts of Interest

Do you have any comments?

Newry Mourne and Down District Council welcomes the link to the NI Audit Office 'Conflicts of Interest: A Good Practice Guide, which has been provided

4.2 Disclosure of Information

Do you have any comments?

The clarity contained within this section is welcomed

4.3 Political Neutrality

Do you have any comments?

Newry Mourne and Down District Council welcomes the addition to the Code, clarifying that an employee of a council cannot stand or be elected as a councillor. The appendix providing guidance on participating in political activity for council officers is also welcome

4.4 Potential Conflict of Interest Situations

Do you have any comments?

Newry Mourne and Down District Council welcomes the expansion of this section to provide greater clarity around potential conflict of interest situations.

With reference to the sentence at the beginning of Page 12 regarding '*Contact with the Community and Service Users*' and whilst this Council agrees that '*Employees should always try to be positive, constructive and inclusive*' we consider it would be more appropriate to rephrase this sentence in a more proactive manner rather than suggesting a requirement to make reasonable adjustments (see suggested text below):

'and make reasonable adjustments where required, for example, for someone whose first language is not English or who has a disability'.

4.5 Appointments and other Employment Matters

Do you have any comments?

In addition to the clarification that employees '*should not be involved in decisions in relation to discipline, promotion or pay adjustments for any other employee with whom they have a close personal relationship*', it should also make clear that an employee should declare an interest and in some cases remove themselves from discussions etc where they personally could potentially be a beneficiary and/or be impacted by decisions made.

4.6 Outside Commitments

Do you have any comments?

Newry Mourne and Down District Council welcomes the updated provisions in this Code which are more relevant in today's working world. The first sentence however (i.e. *'Employees must not have any external business, external employment or external appointment without advising their line manager'*) is considered to be too wide; given the broad definition of 'employee' and that Council may not always be the primary employer (e.g. Casual Workers/Agency Workers/Part-Time employees),

The importance of Line Managers being notified of other jobs from a Health & Safety/Working Time perspective is acknowledged and the identification of any potential conflicts needs to happen however, the nature of the relationship between all classifications of worker/employee and their employer Council is not the same; nor is the mutuality of obligation.

4.7 Personal Interests

Do you have any comments?

Newry Mourne and Down District Council welcomes the expansion of this section to provide greater clarity around potential conflict of interest situations. It is hoped this will assist Councils in being able to compile complete Registers of Interests of employees.

4.8 Equality Issues

Do you have any comments?

No additional comments

4.9 Separation of Roles During Procurement

Do you have any comments?

No additional comments

4.10 Fraud and Corruption

Do you have any comments?

No additional comments

4.11 Use of Financial and other Council Resources

Do you have any comments?

Newry Mourne and Down District Council welcomes the added provision that a council employee responsible for a significant budget should inform their line manager if they become insolvent or bankrupt but would suggest the removal of the word 'significant' as interpretation could be very subjective. To allow simply for this provision to apply where any budgetary responsibility exists, allows for better governance

4.12 Hospitality and Gifts

Do you have any comments?

The ability to add a hyperlink to the Council's own arrangements in the section and throughout the document is most welcome.

4.13 Sponsorship – Giving and Receiving

Do you have any comments?

No additional comments

4.14 Whistleblowing

Do you have any comments?

No additional comments

4.15 Breaches of the Code of Conduct

Do you have any comments?

No additional comments

Appendix 1 Legal and Other Provisions

Do you have any comments?

Clarification of the definition of an employee is helpful but also refer to response at 4.6

Appendix 2 Guidance on Participating in Political Activity

The working group are seeking views on whether the Code of Conduct should contain guidance on council employees participating in political activity depending on their role in the council, for example canvassing for a political party, expressing views on political matters in letters to a newspaper, or in books, articles or leaflets.

Do you have any views?

Newry Mourne and Down District Council would be supportive of the Code of Conduct containing practical guidance on Council employees participating in political activity. Depending upon their role, responsibilities, level in the organisation etc, it may not always be appropriate for an officer/local government employee to be canvassing for a political party or expressing views on political matters including on social media.

Such guidance would need to take account of 4.3 (Political Neutrality) & 4.4 (Potential Conflict of Interest Situations) of the Code

Appendix 3 Model Declaration of Interest Form

Do you have any comments?

Newry Mourne and Down District Council is content to use this form provided in the Audit Office Good Practice Guide

Please return this questionnaire to lorna.parsons@lgsc.org.uk by Friday 22nd May 2020.

Report to:	Strategy, Policy and Resources Committee.
Date of Meeting:	13 th August 2020.
Subject:	Domestic Abuse and Sexual Violence Policy.
Reporting Officer (Including Job Title):	Catrina Miskelly, Assistant Director Corporate Services: HR and Safeguarding.
Contact Officer (Including Job Title):	Gary Scott, Safeguarding Coordinator.

Confirm how this Report should be treated by placing an x in either:-

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
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1.0	Purpose and Background
1.1	Newry Mourne and Down District Council is committed to the principle that Domestic Abuse and Sexual Violence is unacceptable behaviour and everyone has the right to live free from fear and abuse.
1.2	As part of an overall review of Council Safeguarding processes, the need for a Domestic Abuse and Sexual Violence Policy and associated procedures was identified to support the Council in mitigating risk and supporting & safeguarding anyone affected by Domestic Abuse.
1.3	Separately, at the full Council meeting on 03 January 2020 Councillor Howell brought the following Notice of Motion in relation to Domestic Abuse forward for consideration (Motion C/036/2020 – Domestic Abuse Incidents): <i>"That this Council recognises 2019 saw the North of Ireland experience the highest number of domestic abuse incidents since records began and agrees to work collaboratively with the statutory agencies and health trusts to ensure support and protection of individuals and families experiencing domestic violence be a priority in all council buildings".</i> Councillor O'Hare seconded the Motion. In accordance with Standing Order 16.1.6 the motion was referred to the Active and Healthy Communities Committee.
1.4	Legislative requirements place an obligation on Council in having have a duty of care to ensure as far as is reasonably practicable, the health and safety at work of their staff, through assessment of any risks of violence and to make arrangements for their health and safety by effective planning, organisation and control.
1.5	The proposed Domestic Abuse & Sexual Violence Policy (Appendix 1) focuses on supporting employees who have been affected by, or are at risk of, domestic and/or sexual violence and abuse, and by creating a workplace policy and associated support mechanisms, Newry Mourne and Down District Council can fulfil its duty of care to its employees and help create a safe and supportive workplace for all.
1.6	The Senior & Corporate Management Teams endorsed the Domestic Abuse Policy and Procedures on 09th June 2020
1.7	This Policy demonstrates Newry Mourne and Down District Council's commitment to family friendly working and seeks to benefit the welfare of individual members of staff; retain valued employees; improve morale and performance; and enhance the reputation of Newry Mourne and Down District Council as an employer.

2.0	Key issues
2.1	Consultation has taken place in developing this policy with external Partner ONUS (a social enterprise who empower organisations to recognise and respond to anyone affected by domestic abuse or sexual violence), and Designated Safeguarding Officers. Consultation with the recognised Trade Unions was taken through the LJCC in December 2019.
2.2	This policy will support and ensure Council compliance with legislative requirements and existing processes, procedures & policies currently in place across the Council, in relation to Safeguarding, Health and Safety, Health & Wellbeing and the Department of Health and the Department of Justice N I 'Stopping Domestic and Sexual Violence and Abuse Strategy', published in March 2016.
2.3	This Policy supports all staff and recognises staff who are 'working from anywhere' (including home working, in the workplace or remotely).
2.4	This Domestic and Sexual Violence Policy will be accompanied by Operational Procedures which will be developed and implemented as standard across all directorates including guidance for staff, managers, training, and perpetrators.
2.5	The Council's commitment to 'Safe Place' (presented in a separate paper to this committee meeting), will also support compliance and mitigate risk.
3.0	Recommendations
3.1	It is recommended that the new policy as appended will be accepted for adoption & introduction through Council.
4.0	Resource implications
4.1	The new policy and operational procedures will require a coordinated launch process to ensure full understanding and implementation however, the resource requirements for training in respect of the Policy itself will be limited. With consideration of COVID 19 restrictions, a Domestic Abuse awareness eLearning module has already been implemented and is available for staff and further eLearning can be created. Staff will be advised and supported through a series of circulations and virtual conferencing which includes support from Health and Wellbeing, Active Leisure and Learning & Development departments.
4.2	As part of the Domestic Abuse support measures Council will incorporate and a consideration for Special Leave and/or changes to arrangements for the payment of salary, if requested (including a salary advance, if needed, e.g. to acquire alternative accommodation).
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p>1. General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>

5.2	<p>2. Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input checked="" type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
	<p>3. Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input checked="" type="checkbox"/></p> <p>Consultation period will be 12 weeks <input checked="" type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i> Consultation with key stakeholders has already been completed commencing in December 2019.</p>
5.3	<p>Councils development of a Domestic Abuse & Sexual Violence Policy demonstrates its commitment to mitigate the risk of harm of anyone, proactively supporting staff or members of the public who are victims of or witnesses to Domestic Abuse, and positively impacts on relationships with partner agencies and Political Groups</p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service <input checked="" type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input checked="" type="checkbox"/></p>
7.0	<p>Appendices</p>
7.1	<p>Appendix 1 – Draft Domestic and Sexual Violence Policy</p>
8.0	<p>Background Documents</p>
	<p>None</p>



Domestic Abuse and Sexual Violence Policy

A Council Wide Policy



CHIEF EXECUTIVE'S FOREWORD

OUR VISION

Newry, Mourne and Down is a place with strong, safe and vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs.

Domestic Abuse and Sexual Violence (Domestic Abuse) occurs right across our society and it has devastating consequences for the victims and their families. It knows no boundaries as regards age, gender, gender identity, race, religion, ethnicity, sexual orientation, wealth, disability, social background or geography.

It affects not only adults but may be inflicted on or experienced by children. The potential adverse effects on children of living with Domestic Abuse and Sexual Violence include poor educational achievement, social exclusion and juvenile crime, substance misuse, mental health problems and homelessness.

Newry Mourne and Down District Council strives to create a working environment that promotes the view that violence against people is unacceptable and that such abuse and violence will not be condoned and that everyone has a right to live free from fear and abuse.

As such Council recognises that this Domestic Abuse and Sexual Violence Policy must be owned at all levels within the organisation and, **this Policy is addressed to all elected members, employees, casual workers, agency workers, volunteers, contracted services and the general public.**

This Policy is also created in conjunction with our Community Plan and responds to the following outcomes: **"All people in Newry Mourne and Down live in respectful, safe and vibrant communities", "enjoy good health and well-being" and "get a good start in life and fulfil their life-long potential"**

The Council is committed to raising awareness of domestic abuse in the community through the work of the Policing & Community Safety Partnerships (PCSP) and with other local organisations in the Newry Mourne and Down area, including PSNI, Domestic Abuse & Sexual Violence Partnerships, Women's Aid and Onus, through its Safe Place initiative.

This Policy demonstrates the Council's commitment to providing guidance for elected members, employees, casual workers, agency workers, volunteers, contracted services, and managers to address the occurrence of domestic abuse and its effects on the workplace.

Domestic abuse has a damaging effect on people and can have an adverse impact on their employment, e.g. increased absence levels as a result of physical injuries and / or mental health issues, victims not being allowed out of the house to attend work and performance issues when in work. However, the cause of these effects is often not talked about because victims are frightened of further attack and/or of perceived repercussions on their ability to carry out their job. I therefore ask that everyone takes time to familiarise themselves with this Policy and its accompanying procedures, so they are fully aware of their responsibilities and duties.

Marie Ward
Chief Executive

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This Policy was created in partnership with the accompanying procedures. They provide the structures which uphold the Policy and which through their implementation will aim to create a safe and supportive environment for all Council personnel and service users.

1. Title

Domestic Abuse and Sexual Violence Policy.

2. Statement

Newry Mourne and Down District Council is committed to the principle that Domestic Abuse and Sexual Violence is unacceptable behaviour, that such abuse and violence will not be condoned, and everyone has the right to live free from fear and abuse.

This Policy aims to support employees who have been affected by, or are at risk of, domestic and/or sexual violence and abuse, to ensure Newry Mourne and Down District Council can fulfil its duty of care to its employees and help create a safe and supportive workplace for all.

The implementation of this Policy will create a working environment that promotes the view that domestic abuse and violence against people is unacceptable, where elected members, employees, casual workers, agency workers, contractors and volunteers understand their role and responsibilities to address the occurrence of domestic abuse, its effects on the workplace and where all Council personnel feel supported and equipped with the skills to do so.

3. Aim

The aim of the policy is to make the workplace a safe and supportive environment for all employees, elected members, volunteers, agency workers, casual workers, and contracted services of Council who are affected by domestic abuse and sexual violence.

The objectives of the policy are:

- To offer support to our employees in addressing problems arising from domestic abuse sympathetically and in confidence (as far as possible).
- To mitigate the risk of harm of our employees in the workplace.
- To signpost employees to external support agencies who can carry on support beyond the workplace.
- To recognise and respond effectively to cases of domestic abuse among our workforce, as appropriate and to challenge behaviours and attitudes through awareness raising.

4. Scope.

This Policy applies to all employees, elected members, casual workers, agency workers, volunteers, contractors, and those using our facilities irrespective of their function, remit or role. Newry Mourne and Down District Council acknowledges that while it is mainly women who experience domestic abuse, this policy applies equally to men and people of other genders including transgender, who need advice or support and those in same sex relationships. In support of this, it is the Council's Policy that anyone who is experiencing or has been affected by Domestic Abuse and Sexual Violence can raise the issue, in the knowledge that we will treat the matter effectively, sympathetically and within statutory limitations.

The Council recognises that domestic abuse is not confined to the home and that it is likely it will impact upon the employee in the workplace. The Council recognises its duty to keep elected members, employees, agency workers, casual workers, volunteers and contracted workers safe within the workplace and would encourage employees to disclose to a line manager or "Trusted Colleague" (see paragraph 9. Providing Support for Employees) if they have any concerns about

their safety in the workplace or travelling to and from any workplace. Newry Mourne and Down District Council will take all reasonable steps to address these concerns.

The Council recognises that home and work issues cannot always be separated, and that domestic abuse can impact greatly on the working life of employees and can result in:

- A deterioration in employee performance
- Increased and unexplained absenteeism.
- Poor timekeeping etc.

These could potentially threaten job security and prospects where the cause of these behaviours is unknown to the employer.

There is an expectation that all Council personnel will work in partnership as they apply this policy and Council will ensure that elected members, employees, casual workers, agency workers and volunteers are provided with the tools and knowledge to equip them to respond to and support anyone suffering domestic abuse and deal with situations that may cause them concern.

5. Related Policies.

The Policy provides assurance that the welfare of children and adults at risk is paramount. The Policy has also been produced to support employees by providing information and guidance to increase confidence in what they do. Council has developed this Policy in line with the following legislation and good practice guidelines.

Legislation:

- Crime and Disorder Act 1998
- Section 75 NI Act 1998
- Human Rights Act 1998
- Immigration and Asylum Act 1999
- Mental Capacity Act 2005
- The Safeguarding Vulnerable Groups (NI) Order 2007
- Domestic Violence, Crime and Victims Act 2004 (as amended)
- Female Genital Mutilation Act 2003
- Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
- Health and Safety at Work (NI) Order 1978
- The Management of Health and Safety at Work Regulations (NI) 1992
- Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (NI) 1997
- Health and Safety (Consultation with Employees) Regulations 1996

For further information on Safeguarding legislation including specific criminal offences please visit www.opsi.gov.uk.

In addition, Council has framed this Policy within the following human rights and values:

- Article 2 The Right to Life
- Article 3 Freedom from Torture (including humiliation and degrading treatment)
- Article 8 Right to Family Life (one that sustains the individual)
- Article 14 Prohibition of discrimination

Good Practice Guidelines:

- NIASP (NI Adult Safeguarding Partnership) - Adult Safeguarding Policy for NI
- Adult Safeguarding: Prevention and Protection in Partnership
- DOJ & DHSSPS 'Stopping Domestic Violence and Abuse Strategy'

This Policy operates in parallel to, and is supported by, the following council policies:

- Equality & Good Relations
- Training and Development
- Social Media
- Health & Safety
- Fraud & Corruption
- Complaints, Comments and Compliments
- Records Management (Data Protection)
- Code of Conduct
- Safeguarding – Children and Adults at Risk

6. Definitions

Domestic Abuse and Sexual Violence is a pattern of behaviour that is characterised by the exercise of control and the misuse of power by one person over another within an intimate or family relationship. It is usually frequent and persistent. While domestic abuse most commonly refers to that perpetrated against a partner, it includes violence against ex-partners, and violence by any other person who has a close or family relationship with the victim, including parents, children, siblings. It also includes honour-based violence.

Domestic abuse does not just refer to physical violence but also to sexual, emotional and psychological, online and financial abuse; it is, in many cases, made up of a combination of different forms of abuse.

For the purposes of this Policy, Domestic Abuse and Sexual Violence (Domestic Abuse) is defined as any "threatening, controlling, coercive behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age ethnicity, religion, gender, or sexual orientation) by a current or former intimate partner or family member". (Definition taken from the DOJ & DHSSPS Strategy document: "Stopping Domestic and Sexual Violence" March 2016).

For the purposes of this Policy the term 'employee' includes employees, elected members, volunteers, agency workers, casual workers, and contracted services.

For the purpose of this Policy the term 'workplace' means 'working from anywhere' (which includes 'home working') and the Policy applies to those 'working from anywhere'.

7. Confidentiality

Whilst employees experiencing domestic abuse normally have the right to complete confidentiality, in circumstances where there are safeguarding concerns for children or adults who may be at risk of harm, the appropriate protection services may need to be involved. It is likely that complete confidentiality cannot be guaranteed in these situations. For example, where a risk to children or an adult is identified, then the council may have a duty to inform Social Services or the Police. Where this arises, the employee will be informed.

8. Right to Privacy

The Council respects an employee's right to keep private the fact that they have experienced domestic abuse within the statutory limitations.

9. Providing Support for Employees

The Council will consider the following actions where applicable and where the work of the Council and services to citizens will not be compromised by their implementation:

The Council will make every effort to assist an employee experiencing domestic abuse. If an employee needs to take leave from work due to domestic abuse, the nature and length of the leave will be determined by the individual's situation through collaboration with the employee and their line manager subject to balancing both service needs and the needs of the individual. In this context managers and supervisors are encouraged to provide a sympathetic response to requests for special paid or unpaid leave; flexible working and other revised working arrangements as a result of domestic abuse, for example flexibility in working hours or time off when required to enable the employee to seek protection, go to court, look for new housing, enter counselling, arrange childcare etc.

The Council will consider the requirement for a change of working arrangements on a short-term or long-term basis, as necessary. (For example, moving the employee away from the reception area or from working in a ground-floor office which is visible from the street if required; redeployment or relocation, changing shift patterns, changing hours).

The Council will also consider changes to arrangements for the payment of salary, if requested (including a salary advance, if needed, e.g. to acquire alternative accommodation).

Newry Mourne and Down District Council recognises that people experiencing Domestic Abuse & Sexual Violence are at increasing risk when they attempt to leave an abusive partner. They may become vulnerable going to and coming from work, or while they are at work as the perpetrator knows where they can be located. This can give rise to health and safety issues including the risk of abuse and harm occurring in the workplace.

Employers have a duty of care under the Health and Safety at Work (NI) Order 1978 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees. The Management of Health and Safety at Work Regulations (NI) 1992 also requires employers

to assess the risks of violence to employees and make arrangement for their health and safety by effective planning, organisation and control.

The Council will make support available to employees involved in domestic abuse through line managers, Human Resources, Occupational Health, the Council's confidential employee counselling service and the network of "trusted colleagues".

The Council has set in place a procedure for designating certain staff members to be "trusted colleagues". These employees will be available as the first point of contact for employees experiencing domestic abuse. They will receive training in responding to disclosures of domestic abuse, information about relevant agencies that offer support, and information on current legislation, reports, publications, and events to do with domestic abuse. The trusted colleagues for domestic abuse will be drawn from a range of areas/locations within the Council but will include staff from Human Resources and trade union representatives. The names and contact numbers for all trusted colleagues will be displayed in all locations.

The role of the "trusted colleague" is to:

- Be available and approachable to employees experiencing domestic violence.
- Listen, reassure, and support individuals.
- Keep information confidential (subject to the requirements of child and adult protection).
- Respond in a sensitive and non-judgmental manner.
- Discuss the specific steps that can be taken to help the employee stay safe in the workplace.
- Ensure the employee is aware of the options available to them.
- Encourage the employee to seek the advice of other relevant agencies

The Council recognises that victims of domestic abuse may have performance problems such as absenteeism or lower productivity. When addressing performance and safety issues the Council will make reasonable efforts to consider all aspects of the employee's situation and/or safety problems and aim to assist the employee in seeking professional help. The Council will address health and safety concerns in the workplace and will signpost to external agencies to carry on support beyond the remit of the workplace. The Council will commit to collaborative working with external agencies (if desired by employee) to provide a joined-up approach to supporting the employee, inside and outside the workplace.

Visible Resources that Provide Support

The Council will provide contact details for a range of organisations, which can offer support to employees living with domestic abuse. These will be found in highly visible locations as well as in private locations, so that they can be picked up discretely by employees. Safe Place cards will be left in discrete but accessible locations.

10. Employee's Responsibilities

All employees of Council have a responsibility to:

- Accept prime responsibility for their personal safety and that of their colleagues.
- Familiarise themselves with and follow this policy and bring to the attention of their managers any concerns which they have relating to personal safety.
- Participate in training that has been made available to them on domestic violence.
- To ensure that no personal information relating to colleagues is passed on to callers.

11. The Role of Managers

While this policy applies to all employees of the Council, it is line managers, in consultation with "trusted colleagues" and when necessary, Human Resources, who will play a key role in implementing it in practice.

The role of the line manager can be summarised as follows:

- Be aware that employees who are experiencing domestic abuse/violence may demonstrate poor punctuality, attendance, work performance and productivity and should take steps to try and establish this prior to instigating any formal council procedures. Details of possible signs/indicators that someone is experiencing domestic abuse are contained in Appendix 1.
- Where domestic abuse is suspected or known, managers should contact Human Resources for advice before any discussion with the employee takes place, if it is possible to do so.
- Where it is alleged that an employee is perpetrating abuse during work time or using work resources, the manager will discuss this as a matter of urgency with Human Resources.
- Managers will review the security of personal information held on employees and ensure that it is retained in a lockable filing cabinet or cupboard and disposed of securely when it is no longer required.
- Managers will ensure that a risk assessment is carried that will provide a plan to address any security concerns in the workplace.
- Managers will keep a confidential record of any discussions and of any action taken. This will be kept with the knowledge and consent of the employee concerned, who will be able to access it.
- Managers will use discretion to facilitate time off for appointments, counselling, re-housing, court attendances etc.
- Managers will ensure rehabilitative return and support under Council's Managing Attendance Policy where appropriate.
- Managers will consider redeployment if necessary, regarding location of work.
- Managers will consider changes to working hours, shift patterns or flexible working arrangements.
- Managers will offer support through Health & Wellbeing or Employee Counselling or assist with referral to specialist agencies for on-going help or support.

- Managers will take advice from Human Resources staff regarding issues of employment.
- Managers will consider the provision of any relevant training that might provide additional support to employees, e.g. assertiveness training for confidence building.

12. Perpetrators who are Employees

With regard to perpetrators of domestic abuse, the Council will undertake to do the following:

- Reserve the right to invoke the disciplinary procedure against any employee who perpetrates violence, including domestic abuse and / or who uses the Council's time, property or other resources to abuse a partner or family member or to aid another to do so. The Council will establish the facts of the case before considering if disciplinary action is justified.
- There may be circumstances where cases of Domestic Abuse and Sexual Violence are dealt with in the criminal justice system either, as an alternative to, or, concurrent to, the disciplinary procedure.
- Require an employee who has a Non-Molestation Order or Occupation Order in place against them, to declare this to the Council and where appropriate Council will provide support measures to enable compliance with such orders.
- Take action, as appropriate, to minimise the potential for a perpetrator to use his position or resources to find out the whereabouts, or other details, of his partner or ex-partner.
- Consider requests for time off to attend appropriate interventions when perpetrators are seeking help to address their abusive behaviour.
- In cases where both the perpetrator of Domestic Abuse and Sexual Violence and the victim are both employed by the Council, action may need to be taken to ensure that both the victim and perpetrator do not come into contact in the workplace.

13. Policy Owner

Assistant Director Corporate Services: HR & Safeguarding

14. Contact details in regard of this policy are:

Gary Scott
Safeguarding Coordinator
gary.scott@nmandd.org

Oifig Dhún Pádraig |Downpatrick Office
Downshire Civic Centre |Downshire Estate| Ardglass Road |Downpatrick |BT30 6GQ
Tel: 0300 013 2233/ 02844 610805
Mobile: 07766923054

15. Policy Authorisation

SMT 09th June 2020
CMT 09th June 2020
Strategy, Policy and Resources Committee: 13 August 2020
Council: _____

16. Policy Effective Date 1 October 2020

17. Policy Review Date

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments.

18. Procedures and arrangements for monitoring the implementation and impact of the policy

This Policy is accompanied by tailored operating procedures that will outline the standards required for appropriate support and process to mitigate the risk of harm.

The Policy will be implemented via a series of briefings, training sessions and circulations in accordance with the need of the relevant department.

Quality assurance visits and reviews will be undertaken periodically to ensure compliance with the Policy and associated procedures.

The impact of the Policy would be monitored via feedback from staff including Managers, HR and Designated Safeguarding Officers from across the organisation regarding the effectiveness and suitability of the operating procedures.

19. Equality Screening

This Policy has been equality screened and the following outcome determined:

1. Not be subject to an EQIA (with no mitigating measures required).

20. Rural Impact Assessment

The Rural Needs Act (Northern Ireland) 2016 requires the Council to have due regard to rural needs when: (a) developing, adopting, implementing or revising policies, strategies and plans, and (b) designing and delivering public services.

A Rural Needs Assessments has been completed (May 2020). No mitigating factors are to be considered as the Policy does not distinguish between rural and urban areas.

21. Version Control

V1

Appendix 1– Indicators of domestic abuse

Signs that an individual is experiencing domestic abuse can include:

- Poor timekeeping without explanation
- High absenteeism rate without explanation
- Uncharacteristic anxiety, depression or problems with concentration
- Uncharacteristic deterioration in the quality of work performance
- The receipt of repeated upsetting calls/faxes/e-mails /text messages
- Individual being a victim of vandalism or threats
- Obsession with time
- Needing regular time off for appointments
- Inappropriate or excessive clothing
- Repeated injuries, or unexplained bruising or explanations that do not match the injuries displayed
- Increased hours being worked for no apparent reason
- Prevented from seeing children or fear of not seeing children
- Limited money / access to money
- Restricted work / social life

Please note that this is not an exhaustive checklist, some victims may display no signs of violence or abuse. Individuals experiencing domestic abuse suffer a broad range of physical and emotional consequences.

Additionally, it is essential to understand that any of the above may arise from a range of circumstances, of which domestic abuse may or may not be one.

Appendix 2 - Non-traditional victims of domestic violence/abuse

Whilst women experience and report higher incidences of violence and abusive behaviour within their family and relationships, other people can be affected and hurt by domestic abuse too.

It is important to consider when articulating and promoting your support to victims that non-traditional victims may be present in the work place. For example, those who are in a same sex relationship and/or those who are male. It is important to be sensitive and supportive in different ways to help all victims feel comfortable speaking to their colleagues and managers about their relationship in the workplace.

Remember that those who are in a same-sex relationship may face a fear of discrimination or actual discrimination and exclusion on a daily basis because of their sexual orientation. They may be reluctant to come out to colleagues and if they do you should be sensitive about who is informed of the details of their relationship.

Often, an abusive same sex partner takes advantage of homophobia to manipulate a partner to keep the abuse a secret and/or threatens to 'out' them to family, friends and work colleagues. Same sex attracted victims may also fear that most support services are designed for heterosexual people. It is important that you have access to appropriate support services for lesbian, gay and bi-sexual people and can provide this information to all employees to communicate your openness and thoughtfulness in this regard.

For male victims whether heterosexual or same sex attracted, coming forward to talk about abuse in a relationship and ask for help and support is difficult to do. Men access support in very different ways to women and often can be further isolated in an abusive relationship due to the myths about maleness meaning strength and self-sufficiency etc. It is difficult in the workplace to acknowledge you are experiencing abuse. Many men worry that they will be mocked or treated with disbelief. There are many support services for heterosexual and same sex attracted men, it is important that you have access to appropriate support services and can provide this information to all employees to communicate your openness and thoughtfulness in this regard.

It is important that all staff who are trained to support victims of domestic abuse in the workplace have received appropriate guidance and training in issues pertaining to non-traditional victims of domestic abuse.

Report to:	Strategy, Policy and Resources Committee
Date of Meeting:	13 th August 2020
Subject:	Domestic Abuse – 'Safe Place'
Reporting Officer (Including Job Title):	Catrina Miskelly, Assistant Director Corporate Services: HR and Safeguarding
Contact Officer (Including Job Title):	Gary Scott, Safeguarding Coordinator

Confirm how this Report should be treated by placing an x in either:-

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	As part of an overall review of Council Safeguarding processes, it was identified that Council was formally and fully committed to supporting the 'Safe Place' scheme (2014-2017) within designated Council facilities (Appendix 1) for anyone, whether staff or members of the public, affected by domestic abuse or sexual violence to confidentially access information.
1.2	Safe Place is the provision of any available room within designated Council facilities for anyone affected by Domestic Abuse to be able to be signposted to support services in a safe environment (a private room) by a trained member of staff.
1.3	The review identified that additional support was required to assist staff in dealing with members of the public wishing to avail of a 'Safe Place' facility.
1.4	At the full Council meeting on 03 January 2020 Councillor Howell brought the following Notice of Motion in relation to Domestic Abuse forward for consideration (Motion C/036/2020 – Domestic Abuse Incidents): <i>"That this Council recognises 2019 saw the North of Ireland experience the highest number of domestic abuse incidents since records began and agrees to work collaboratively with the statutory agencies and health trusts to ensure support and protection of individuals and families experiencing domestic violence be a priority in all council buildings".</i> Councillor O'Hare seconded the Motion. In accordance with Standing Order 16.1.6 the motion was referred to the Active and Healthy Communities Committee.
1.5	The Senior & Corporate Management Teams endorsed the update of Councils commitment to Safe Place on 09th June 2020.
2.0	Key issues
2.1	In order to deliver on the Council's commitments to Safe Place, provision of a 'safe/private room' or the support through 'proactive signposting for services/advice' needs to be made available.
2.2	In order to support the Council in supporting & safeguarding anyone affected by Domestic Abuse, a Domestic Abuse and Sexual Violence Policy and associated procedures have been developed.. A new Domestic Abuse and Sexual Violence Policy is also being presented to this Committee Meeting.

2.3	Increased employee awareness of the Safe Place scheme will ensure anyone wishing to avail of Safe Place is supported and signposted to reduce the risk of harm to those individuals affected by Domestic Abuse.
2.4	Staff will require training in the Safe Place Scheme in order to ensure anyone wishing to avail of Safe Place is supported and proactively signposted to reduce the risk of harm to those individuals affected by Domestic Abuse.
2.5	When reviewing which Council facilities should be designated as a Safe Place, those facilities and locations with high footfall, concentration of staff and remote/isolated locations were considered to be the most appropriate as specified Safe Place locations; with due regard to rural needs (Appendix 2).
3.0	Recommendations
3.1	Council to renew its commitment to Safe Place through Council, supporting the principle that Domestic Abuse and Sexual Violence is unacceptable behaviour and everyone has the right to live free from fear and abuse.
3.2	To agree the designation of specific Council Facilities at Appendix 2 , as specified Safe Place locations for anyone affected by Domestic Abuse. This will ensure the appropriate facilities offer the necessary support for all customers and staff, mitigating any risk to Council and incorporate rural needs.
3.3	Training to be provided to staff in supporting and signposting anyone wishing to avail of the designated 'Safe Place' NMDDC facilities. This will ensure staff at the relevant 'Safe Place' facilities are appropriately skilled to offer the necessary support for all customers and staff, mitigating any risk to Council.
3.4	Training to be provided for staff (Managers & HR or other relevant staff) to ensure they have the necessary skills to support employees who are subject to Domestic Abuse (directly & indirectly) through application of the NMDDC Domestic Abuse & Sexual Violence Policy.
4.0	Resource implications
4.1	Safer Communities & Good Relations Department have confirmed these costs have been provided for within the NMDDC PCSP budget.
4.2	<p>Designation of Facilities – with supporting materials:</p> <ul style="list-style-type: none"> ➤ Business Cards (2000) £120 ➤ Window Stickers (100) £100 ➤ Posters (A4) (50) £200 <p>Total cost of support material - £420</p>
4.3	<p>Staff Training for both existing and newly designated facilities (@£17.50 per person plus VAT):</p> <ul style="list-style-type: none"> ➤ 3 x Tier 1 - 60 staff (15 locations)- key public facing staff/supervisors – 3 x courses @ £350 per course plus VAT ➤ 2 x Tier 2 - 40 staff - Line managers/HR – 2 x courses @ £350 per course plus VAT ➤ 1 x Tier 3 – 20 staff – trusted colleague - 1 x course @ £350 per course plus VAT <p>Total of (6 x courses @£350 per course) - £2100 plus VAT *This training could be spread over a two-year period</p>
4.4	Council Safeguarding Coordinator is currently collaborating with the Safe Place training provider to develop a Council appropriate training pathway including the provision of online webinar training programme to meet the demands of current/new working arrangements (for implementation during the current financial year).

5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p>1. General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p>2. Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input checked="" type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p> <p>3. Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input checked="" type="checkbox"/></p> <p>Consultation period will be 12 weeks <input checked="" type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i> Consultation with key stakeholders has already been completed commencing in December 2019.</p>
5.3	Council support of the Safe Place initiative together with Councils development of a Domestic Abuse & Sexual Violence Policy demonstrates its commitment to mitigate the risk of harm of anyone, proactively supporting staff or members of the public who are victims of or witnesses to Domestic Abuse, and positively impacts on relationships with partner agencies and Political Groups.
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service <input checked="" type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p>

	Rural Needs Impact Assessment completed	<input checked="" type="checkbox"/>
6.2	Rural needs were considered when identifying additional Safe Place locations to ensure accessibility for as many citizens as possible; taking account of the geography of the District. Due regard was given to Rural Proofing implications, and a Rural Needs Impact Assessment completed – no rural need implications were identified	
7.0	Appendices	
7.1	Appendix 1 – List of existing Council Safe Place Facilities & enrolment year Appendix 2 - Facilities recommended to be specified Safe Place locations	
8.0	Background Documents	
8.1	None	

Appendix 1- Existing Council Safe Place Facilities & enrolment year

- Council Offices, Monaghan Row, Newry - 2014
- Greenbank Industrial Estate – 2017
- Warrenpoint Town Hall – 2017
- Crossmaglen Community Centre 2017

Appendix 2 - Facilities recommended to be specified Safe Place locations (in addition to the existing facilities in Appendix 1)

- Down Leisure Centre, Downpatrick
- Kilkeel Leisure Centre
- Newcastle Centre
- Newry Leisure Centre
- Bessbrook
- Cloughreagh
- Bridge Centre, Killyleagh
- Castlewellan Community Centre
- Newry Town Hall
- Kilbroney Park
- Downshire Civic Centre