



Department of the
Environment

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Draft Guidance for Local Government Performance Improvement 2016 Onwards

Consultation Document

10 December 2015

DRAFT GUIDANCE FOR LOCAL GOVERNMENT PERFORMANCE IMPROVEMENT 2016 ONWARDS

This Consultation Document seeks views on the draft guidance attached to the paper.

**Comments should be received by 25 February, 2016 at the address
below:**

**Local Government Policy Division 1
Department of the Environment
4th Floor, Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast, BT2 7EG**

or by email to:

lgpdconsultations@doeni.gov.uk

The following persons will be able to answer queries in relation to the
guidance:

Name	E-mail	Telephone
Piers Dalgarno	Piers.dalgarno@doeni.gov.uk	028 9082 3377
Lynn McCracken	Lynn.mccracken@doeni.gov.uk	028 9282 3393

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DRAFT GUIDANCE FOR LOCAL GOVERNMENT PERFORMANCE IMPROVEMENT 2016 ONWARDS

PURPOSE OF THE CONSULTATION DOCUMENT

1. The Department of the Environment is seeking views from consultees on draft Guidance for Councils' Performance Improvement from April 2016 onwards. The aim is to provide statutory guidance to assist councils to comply with performance improvement duties under the Local Government Act (NI) 2014 (the Act).

BACKGROUND

2. Part 12 of the Act put in place a new framework to support continuous improvement in the delivery of council services, in the context of strategic objectives and issues that are important to those who receive the services. Councils are required to gather information to assess improvements in their services and to report annually on their performance against indicators which they have either set themselves or that have been set by departments.
3. Local Government Circular LG26/2015 (Guidance for Local Government Performance Improvement) provided the statutory guidance for the first year of operation for general duty for performance improvement. Guidance is therefore required for 2016 onwards.

DETAILS OF THE CONSULTATION PROPOSALS

4. Statutory guidance for local government performance improvement is issued under powers contained in Section 111 of the Act, which provides that, following consultation with councils, bodies representative of councils and others as appear appropriate, the Department may issue guidance to councils and that councils must have regard to guidance issued.

5. The Department proposes to issue updated statutory guidance to assist council compliance with those performance improvement requirements under the Act. The guidance aims to support councils in the operation of their statutory performance arrangements from 2016 onwards. Pre-consultation has taken place with the NI Local Government Auditor, who has contributed to the guidance on inspection and assessment and has provided some insight into the practical experience of the limited audit recently completed for this current year.

6. The Department would welcome responses to the following questions:

Question 1.

Do you think that the proposed guidance will enable councils to comply with the duty to make arrangements to secure continuous improvement in the exercise of their functions?

Human Rights

7. The Department believes that the proposals are compatible with the Human Rights Act 1998.

Equality

8. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website: http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm

Regulatory Impact Assessment

9. The Department has not conducted a regulatory impact assessment as the proposed guidance does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

Rural Proofing

10. The Department has assessed the proposed guidance and considers that there would be no differential impact in rural areas or on rural communities.

Freedom of Information Act 2000 – confidentiality of consultations

11. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional

circumstances. Before you submit your response, please read Annex B on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative format

12. This document is available in alternative formats. Please contact us to discuss your requirements.

Consultation

13. Comments should be received by 25 February 2016 at the address below or by e-mail to: lynn.mccracken@doeni.gov.uk

If you have any queries in relation to the guidance, you should contact:

Piers.dalgarno@doeni.gov.uk

Tel: 028 90823377

or

lynn.mccracken@doeni.gov.uk

Tel: 028 9082 3393

This consultation document is being circulated to persons and bodies listed in Annex C and is also available to view at:

http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm

Local Government Policy Division
Causeway Exchange
Level 4
1-7 Bedford Street
Town Parks
Belfast, BT2 7EG

GUIDANCE FOR LOCAL GOVERNMENT PERFORMANCE IMPROVEMENT

Performance Improvement under the Local Government Act 2014

1. Part 12 of the Local Government Act (NI) 2014 (hereafter “the Act”) details the framework to support continuous improvement in the delivery of council services, in the context of strategic objectives and issues that are important to those who receive the services. Councils are required to gather information to assess improvements in their services and to issue a report annually on their performance against indicators which they have either set themselves or that have been set by departments.
2. This guidance is intended to assist councils with arrangements for the performance improvement framework from 2016.
3. The Local Government (2014 Act) (Commencement No. 4) Order (Northern Ireland) 2015 (the Commencement Order) brings into operation on different dates the provisions of Part 12 of the Act, which relate specifically to the performance improvement and management framework for councils. A schedule of the provisions brought (or to be brought) into operation and the dates on which this occurred (or is due to occur) is appended to this guidance (ANNEX A).

The general duty of Improvement

4. Under section 84 of the Act, councils are under a general duty to make arrangements to secure continuous improvement in the exercise of their functions.

What is Improvement?

5. ‘Improvement’ in the context of the Act means more than just quantifiable gains in service output or efficiency, or the internal effectiveness of an organisation. Improvement for councils should mean activity that enhances the sustainable quality of life and environment for ratepayers and communities.
6. Firstly, the duty involves ‘making arrangements’ to improve: there is no absolute duty to improve, nor could there be. Delivering high-quality services and

addressing multiple community needs is a complex and often difficult business, and no organisation, however competent or well-intentioned, can guarantee that its efforts will be successful. Councils should put in place arrangements which allow them to understand effectively local needs and priorities, and to make best use of their resources and capacity to meet them and to evaluate the impact of their actions.

7. Secondly, the duty refers to 'continuous improvement'. As the exact local meaning of 'improvement' will vary between councils and over time, this does not mean that everything needs to carry on improving in measurable terms. Rather, councils should seek continuously to ensure that their improvement objectives remain relevant, that the best arrangements for delivering them are in place, and that they are able to understand and demonstrate the impact on the outcomes for citizens

Improvement objectives

8. Section 85 requires a council, for each financial year, to set itself improvement objectives for improving the exercise of its functions and to have in place arrangements to achieve those objectives.
9. A council must frame each improvement objective so as to bring about improvement in at least one of the specified aspects of improvement as defined in Section 86:
 - strategic effectiveness
 - service quality
 - service availability
 - fairness
 - sustainability
 - efficiency
 - innovation.
10. The first of these, strategic effectiveness, is key to linking the community plan and the ongoing processes that underpin it, with a council's improvement processes. The Department would expect that a council's community planning

outcomes and objectives should be central to that council's improvement activity. In doing this, councils should be able to develop a clear narrative around their plans for improvement that will resonate with the citizens and communities that they serve.

11. While a council's community plan will form the basis for its strategic objectives in relation to strategic effectiveness (section 86(2)), there are another 6 headings under which a council can set improvement objectives.
12. The next three, service quality, availability and fairness all relate to service provision by aiming to meet the needs of citizens and ensuring fair ease of access to the most suitable services that meet their needs. Clearly, all of these objectives can be demonstrated individually or collectively. Fairness can also be demonstrated by exercising non-service functions in ways which reduce disadvantage and improve social well-being, for instance by improving citizens' access to information.
13. When carrying out its functions or providing services, a council may demonstrate improvement when it operates in a way that contributes towards the sustainability of its area. Equally, on-going efficiency may also be shown if fewer resources are utilised while maintaining provision of substantially similar, or better, services. Should a council choose to alter the manner by which a service is provided, and in so doing it uses fewer resources or more integrated services, it will not only be demonstrating efficiency, but may demonstrate improved sustainability as well.
14. The innovation aspect is slightly different. It covers any changes to service design and delivery methods that are intended to yield improvement under any other aspect, and are reasonably likely to do so. This allows councils to make changes which may not have tangible effects within the same reporting year, but are likely to in subsequent years, and still count them as improvements.
15. Thus, it follows that for a council to successfully discharge its general improvement duty, it should incorporate the seven aspects of improvement into its decision-making processes and its assessments of functions and services. This would also extend to a council's governance or scrutiny functions.

Identifying Improvement objectives

16. There is a clear link between the community planning process and a council's performance improvement regime. Community planning focuses on achieving better outcomes for citizens through the collaborative working of organisations to improve service delivery and the economic, social and environmental wellbeing of citizens. A successful community plan will consist of a long term vision for the area, underpinned by a set of outcomes identified for key themes, with clear accountability and interim performance measures. The community planning process should achieve better integration of public sector services and investment resulting in performance improvements for organisations involved.
17. Each council is required to prepare an improvement plan containing improvement objectives, which includes the strategic objectives for 10 to 15 years ahead set out in the community plan. In order to measure performance against its strategic objectives, the council can consider setting short to medium term objectives through improvement plans or, if no community plan has yet been developed, their existing corporate and business plans.
18. Councils should determine their own priorities for improvement based on a thorough, evidence-based understanding of the communities they serve, local needs and their capacity to address those needs. Improvement objectives should correspond directly with the council's priorities for improvement. Councils will, therefore, select their improvement objectives on the basis of critical self-analysis, taking account of a wide range of evidence such as:
- the outcomes and priorities identified for an area in its community plan and, as up-dated, through the on-going community planning process for an area;
 - the councils' corporate and service priorities;
 - the outcome of councils' assessment exercises of both corporate functions and services provided using the most appropriate performance data and information from other sources, such as citizen and user needs and satisfaction information and wider knowledge of community needs;
 - audit, regulatory and inspection reports,

- the results of peer reviews and the outcomes of, and recommendations from, councils' governance or scrutiny processes;
- priorities identified through analysis of performance data on previous year's performance and in comparison with other organisations;
- evidence gained from consulting on improvement objectives in the previous year; and
- Programme for Government priorities as expressed by the NI Executive.

19. Improvement objectives that have been chosen as a result of the above processes should have credibility with citizens, stakeholders and councils' staff. This should translate into a better sense of ownership of the ambitions for the communities and the area.

Setting Council Improvement objectives

20. Completing the above processes will allow councils to draw up their improvement objectives for consultation. These can be in any form a council chooses, but all improvement objectives should be:

- legitimate - making a demonstrable contribution to at least one (or, probably, more than one) of the aspects of improvement listed in the Act;
- clear - setting out the visible improvement that citizens can expect;
- robust - with defined terms of success (whether quantitative or qualitative);
- deliverable - with established links to individual service programmes and budgets; and
- demonstrable - capable of being supported by objective (but not necessarily measured or quantitative) evidence.

21. The first of these points is worth further consideration. The aspects of improvement in the Act set out in broad terms the sorts of purposes which councils will wish to achieve. Many, if not most, objectives will contribute to more than one aspect of improvement - for instance, action to improve access to services might simultaneously address the 'fairness' and 'service availability' aspects, while reducing a council's carbon footprint might address 'sustainability' and 'efficiency'.

22. How many improvement objectives to set is again a matter for the council to decide. This is largely a question of an appropriate level of detail. Objectives that are too broad and aspirational may lack the ability to inform effective action and accountability (e.g. “we will support healthier communities”) and too narrow or operational may lack an overall sense of purpose (e.g. “we will refurbish our leisure centres”). Objectives should ideally both describe the overall purpose and the scope of action to deliver it (e.g. “we will provide more and better opportunities for citizens to engage in physical activity”).
23. Each council must agree its improvement objectives formally. The processes for doing so will be set out in each council’s governance arrangements and standing orders but the importance of improvement objectives would normally dictate endorsement by the full council. See also the section on “Role of governance and scrutiny” at paragraphs 37 and 38.
24. Councils should have regard to the general definition of improvement (see paragraph 5, above) when considering objectives. **Councils must ensure that the objectives set relate to improving functions and services to their communities and citizens.** Council improvement needs to be more than simply setting corporate improvement objectives. Internal improvement activity can obviously contribute to the achievement of higher level objectives but these should not be the only improvement objectives of the council.
25. Overall, it is probably better in the interests of clarity and accountability to err on the side of having fewer objectives, with detailed links to service programmes, than to have a greater number of more detailed objectives. Either way, if the objectives taken together adequately address the main local priorities and needs, the exact number of them is less important.
26. The Act requires that councils set improvement objectives every year. However, that does not mean that all improvement objectives should change every year, or that they should all be deliverable within one year. Councils can set objectives which span more than one year, perhaps with intermediate milestones, provided that these are reviewed annually to ensure their continued relevance.

Consulting on Improvement

27. Consultation on the general duty to improve and a council's improvement objectives can be done at any time during each year. It will, however, make sense to align it with established or planned community engagement processes and events. The council should aim to make the process of choosing improvement objectives as open and transparent as possible. The council should also ensure that this process is in keeping with its constitution and/or standing orders. In so doing, a council should aim to develop an on-going dialogue with communities and areas that it serves, so that the setting of improvement objectives is a jointly owned process centred on a balanced assessment of the needs of the community as a whole, rather than any particular organisation or interest group within it.

28. It is recommended that a council should consult the following before setting its improvement objectives:

- citizens and stakeholders;
- local businesses and, where appropriate, potential businesses;
- its statutory and other community planning partners;
- other bodies with which collaborative working is taking place or is being planned.

29. A council should retain evidence of its consultations (including council's response to any comments received) or broader engagement activity to enable it to demonstrate that improvement objectives, and the plans for meeting them, have been properly set. In the interests of good governance, scrutiny and accountability, this evidence should be retained in an easily accessible form.

Recording and reporting progress

30. Section 90 of the Act requires a council, during each financial year, to collect information which will allow it to assess its performance in achieving its improvement objectives and to measure its performance against performance

indicators or standards set by the Department or any other indicators or standards which the council chooses to use.

31. Councils will need to collect evidence of their progress in achieving their improvement objectives during the year. For those indicators or standards set by the councils, the councils themselves should determine what constitutes the best evidence of the progress that they are seeking to make. That is best done by setting improvement objectives. Evidence of progress will need to meet the requirements of the Local Government Auditor (the Auditor). Evidence may include one or more of the following:

- performance indicators, both those set by the councils and by NI Departments;
- qualitative information such as citizen satisfaction surveys conducted by the council or by other bodies;
- progress in introducing or completing programmes, facilities or ways of working which contribute to the attainment of improvement objectives;
- the outcome of governance or scrutiny enquiries and other evidence from members; and
- any other sources of evidence that appear to be relevant.

32. Most sound improvement objectives will probably need a range of evidence to demonstrate their accomplishment. Councils should avoid using performance indicators, targets and standards as objectives in themselves. In almost all cases they will be too narrow and too far removed from public understanding and need. Consequently, they should be seen as only one of the tools to help demonstrate improvement.

33. In collecting evidence, such as outlined above, councils should seek to collect together a body of evidence that will allow it to provide a narrative description of how successful it has been in pursuing its improvement objectives so that it can give account for its performance to its citizens, stakeholders and the Auditor.

34. This improvement evidence should be collated together and communicated in a report or reports to be published before 30 September of the following financial

year (section 92 of the Act).

Role of governance and scrutiny

35. Whether a council decides to operate a committee system or executive arrangements, there is a clear role for a council's governance or scrutiny function (e.g. internal audit or a scrutiny committee) in its improvement processes as part of its role in holding local decision makers and policy makers to account and in its policy development role. This should extend to:

- processes that a council has gone through in the discharge of the general duty to improve;
- fitness of the council to discharge the general duty to improve;
- processes that the council has gone through in the selection of its improvement objectives, including a review of the level of engagement with stakeholders;
- monitoring of the progress of the delivery of the council's improvement objectives; and
- promoting innovation by challenging the status quo and encouraging different ways of thinking and options for delivery.

36. If a council's governance or scrutiny processes are sufficiently developed to discharge the above, and there is clear evidence that this is the case, then this scrutiny activity can be drawn upon by the Auditor in the course of his/her dealings with the council. It will be for the Auditor to decide whether scrutiny processes are sufficiently robust to be relied upon in the exercise of his/her audit functions.

Improvement planning and information – use and publication

37. Section 91 of the Act requires a council to use this information to assess its performance against a previous year's performance and compare its performance (from 2017 onwards), so far as is practicable, with the performance of other councils and other public bodies.

38. A council must use the information it collects to assess whether it can improve its performance and, based on that, must decide on steps to take to improve its performance in exercising its functions.
39. For 2016-17, a council must use information collected under section 90 in relation to its performance improvement objectives (i.e. those reported on by the Auditor in 2015) and its performance indicators and standards completed during 2015-16 to complete the assessment under paragraph 40.
40. Section 92 of the Act places a requirement on a council to make arrangements to publish the comparison and assessment information relating to its performance before 30 September immediately following the financial year to which it relates.
41. A council is also required to publish an 'improvement plan' which sets out its plans for discharging its duties under Sections 84, 85 and 89 for a financial year and, if appropriate, subsequent years. This must be published **as soon as practicable after the start of the financial year to which it relates**. Given that the Auditor is tasked with undertaking an improvement information and planning audit (under section 93 of the Act) and is required to issue a report that includes the result of this by 30 September of each year, it is suggested that the publication of an improvement plan should take place by end of June of each year.
42. Any improvement plan developed before any community plan is in place could be built into a council's corporate plan. This could be as an appendix as it must be easily identifiable. The aim, as far as possible, would be to have one key document that would encompass all the necessary requirements of council business. The community plan will become the key strategic document for a council, therefore, performance improvement and community planning should inform, and be informed by, each other.

Role of the Local Government Auditor - inspection and assessment

43. The following section provides an overview of the statutory functions of the Auditor, as set out in the Act and how these will operate during a financial year under full commencement of the Act.
44. The main piece of work for the Auditor under the performance framework programme is an annual improvement assessment (conducted under section 94 of the Act) for each council to determine whether a council is likely to comply with the requirements of Part 12 of the Act. The Auditor will also undertake an improvement information and planning audit (as required under section 93 of the Act) to ascertain whether the council has discharged its duties under section 92 and the extent to which it has acted in accordance with any Departmental guidance relevant to the section.
45. To fulfil these statutory requirements, the Auditor will undertake the following:
- a forward looking assessment of a council's likelihood to comply with its duty to make arrangements to secure continuous improvement; and
 - a retrospective assessment of whether a council has achieved its planned improvements to inform a view as to the council's track record of improvement.
46. The Auditor may also, in some circumstances, carry out Special Inspections (under section 98) in respect of which a report will be provided to the Department and the relevant council. This report may be published (under section 99).
47. These items of work are described in more detail below. In addition, in the revised Code of Audit Practice, the Auditor sets out the way in which he/she intends to exercise key functions in relation to the Act in accordance with the principles that:
- the Auditor's functions are exercised consistently between councils;
 - functions are discharged independently (except where directed by the Department in accordance with the Act);

- functions are discharged proportionately and do not impose an unreasonable burden upon councils; and
- functions are exercised with a view to assisting councils to comply with Part 12 of the Act.

48. It should be remembered that the Auditor also has functions under other legislation that lie outside the Act. In particular, the Auditor has duties and powers under the Local Government (Northern Ireland) Order 2005 to undertake studies for improving economy, efficiency and effectiveness, to ascertain whether a council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. Similarly, the Auditor has duties to undertake the audit of the accounts of councils and report on any matters of public interest.

49. The work performed by the Auditor in discharging these other duties, whilst independent of the Act and the performance improvement framework, will be co-ordinated and used to inform work under the Act and vice –versa.

Improvement Assessment

50. The improvement assessment (Section 94 of the Act) will include a retrospective assessment and a forward looking assessment to inform the Auditor's view of the council's track record of improvement. Both assessments will be informed by the improvement information and planning audit (section 93). While section 93 and section 94 each amount to distinct legal functions and are described here as distinct elements, they are linked and will be used together to inform the Auditor's assessment of each council.

51. The section 93 audit of improvement information and planning will be undertaken in two parts to align with the council's publication of its improvement plan (section 92 (4)) and its retrospective assessment of its performance (section 92(2)).

52. The Auditor will be carrying out work throughout the year to inform both assessments and will be feeding back findings to the council. The Auditor will

undertake council wide reviews of relevant governance and management arrangements, supplemented where necessary by reviews of specific functions and activities. Where appropriate, the assessment may involve gathering and reviewing information from members of the public and other stakeholders, as well as information from within the council. It will also be informed by audit work done in relation to the council's accounts and proper arrangements.

Forward looking Assessment

53. For each financial year, the Auditor will assess each council in terms of whether it is likely to comply with the requirements of the Act. The Auditor will consider, among other things, the council's published improvement plan (section 92(4)), which will contain its improvement objectives and plans for meeting them, as well as the general duty to make arrangements to secure continuous improvement.
54. The Auditor will consider the council's track record of improvement and whether its governance and management arrangements effectively support improvement.
55. The first part of the section 93 audit will be an audit of the council's discharge of its duties under section 92(4) and (5) (the publication of an improvement plan) and 92(6) (the extent to which the council has acted in accordance with guidance issued by the Department). This will take place during the early part of the financial year and will inform the assessment. The exact timing of an audit will depend on when the council finalises and publishes its improvement plan (section 92 (6)). Councils are required to publish their plans 'as soon is reasonably practicable after the start of the financial year'.
56. For each financial year, the Auditor will issue an Audit and Assessment Report (section 94) to each council and the Department by 30th November, unless otherwise directed by the Department. The Auditor's report will state whether he/she thinks the council is likely to comply with the statutory duty to make arrangements to secure continuous improvement during the current financial year. The Auditor may also comment on whether the authority is likely to comply in subsequent years.

Retrospective Assessment

57. From 2017-18, and thereafter for each financial year, the Auditor will undertake a retrospective assessment of performance with the main purpose of tracking improvement over time. When making an assessment of performance, the Auditor will consider, among other things, the council's own published assessment of performance (section 92(2)), as part of the section 93 audit, and the findings from any work undertaken by the Auditor to assess service performance. As with the forward looking assessment, this work may, where appropriate, involve gathering and reviewing information from members of the public and other stakeholders. It will also be informed by the audit work done in relation to the council's accounts and proper arrangements.

58. The second part of the section 93 audit will be an audit of the council's discharge of its duties under section 92 (1) to (5), i.e. the council's assessment of performance. This will inform the Auditor's performance assessment, which will review:

- the overall level of improvement attained;
- progress made on meeting improvement objectives;
- inclusion of performance indicators;
- achievement of both the Department's specified and the council's self imposed performance standards;
- performance over time and against other councils (where reasonably practical); and
- arrangements for data collection and use, and the overall adequacy of performance information.

The performance assessment will be reported in the Auditor's Annual Improvement Report.

Special inspections

59. If the Auditor is of the opinion that a council may fail to comply with the requirements of the Act, or if the Department directs the Auditor to carry out an

inspection, then the Auditor may carry out a special inspection of the council. Such inspections may relate to some or all of a council's functions. Before deciding whether to carry out a special inspection, the Auditor must consult the Department. Where the Auditor is minded to inspect and has stated this in an assessment report, the Auditor must consider any response made by the council.

60. Where the Auditor undertakes a special inspection, a report will be issued to the council and the Department. This will set out any matters in which the authority is failing or may fail to comply with the Act.

Published annual Improvement reports

61. From 2016-17, and thereafter for each financial year, the Auditor will publish an annual improvement report in respect of each council, which:

- summarises the reports relating to section 95; and
- summarises or reproduces any special inspection reports that may have been undertaken.

62. Based on the work done during the year, the Auditor will consider, in light of the annual improvement report, whether to make a recommendation to the Department to give a direction to the council under section 100 or exercise any other Auditor functions in relation to the council. This section 100 provision applies in relation to a council if the Department is satisfied that the council is failing, or is likely to fail, to comply with any requirements of Part 12 of the Act, including ensuring the performance standards specified under section 89 are met.

63. The annual improvement reports will be available on the Northern Ireland Audit Office website and will be written in such a way as to make them accessible and meaningful to members of the public.

Co-ordination of audit and assessment work

64. The Auditor will produce a timetable for each authority setting out the dates and times during which Local Government Audit staff will undertake their work in relation to the council. The Auditor will consult with the council before setting the timetable. In producing the timetable, the Auditor will follow the principles of the Audit Statement of Practice. For example, the Auditor will ensure that the work of the other Audit Office functions are co-ordinated so that they are taken together and exercised proportionately.

65. The timetable will take all audit and inspection activities into account and attempt to establish a programme of activity that meets the needs of the council, the Auditor and the Department to provide public assurance and drive forward service improvements and fulfil the requirements of the Auditor's relevant functions. Once set, the Auditor and the council must take all reasonable steps to adhere to the timetable. Clearly it is in the council's interests that the Auditor is able to adhere to this timetable. It is, therefore, important that councils provide any requested support to the process.

Powers of Direction

66. Where the Auditor recommends the Department to give a direction where a council is failing, or is likely to fail, to comply with any of the requirements in relation to Part 12 of the Act, the Department may direct a council to:

- prepare or amend an improvement plan or to follow specified procedures in relation to such a plan;
- carry out a review of its exercise of specified functions;
- enter into specified arrangements with another council;
- set specified improvement objectives for itself under section 85.

67. Any Northern Ireland Department may direct the council to take any action which they deem necessary or expedient to secure compliance with their requirements under part 12 of the Act (such as their requirements under section 89 "Performance indicators and performance standards"). This may include that a specified function of the council is carried out by the department for a specified

period or for so long as deemed necessary and the council concerned must comply with any instructions of that department in relation to the exercise of such function and provide any assistance that may be required by the department.

Timings for Performance Improvement activity

- A council's Performance Improvement Plan is to be published as soon as reasonably practicable after the start of the financial year to which the plan relates (it is suggested that this is completed by end of June of each year);
- an assessment and comparison of a council's performance is to be published by 30th September in the financial year following that to which the information relates; and
- the Auditor is to send copy of any report issued under section 95 to the council concerned and the Department by 30th November in the financial year during which the audit is carried out or to which the assessment relates.

**The Local Government (2014 Act) (Commencement No. 4) Order
(Northern Ireland) 2015**

**Provisions of the Act, relating to Performance Improvement, coming into
operation on 1st April 2015**

Section 84	Improvement: general duty
Section 85	Improvement objectives
Section 86	Improvement: supplementary
Section 87	Consultation on improvement duties
Section 88	Appropriate arrangements under sections 84(1) and 85(2)
Section 89	Performance indicators and performance standards
Section 90	Collection of information relating to performance
Section 91(3)	Use of performance information
Section 92(4)-(6)	Improvement planning and publication of improvement information
Section 94	Improvement assessments
Section 98	Special inspections
Section 99	Reports of special inspections
Section 100	Powers of direction, etc.
Section 101	Power to modify statutory provisions and confer new powers
Section 102	Application of certain local government audit provisions
Section 104	Power of any Northern Ireland department to direct council to make reports etc.
Section 105	Inquiries and investigations
Section 106	Power of any Northern Ireland department to intervene in case of default by council

Provisions of the Act, relating to Performance Improvement, coming into operation on 1st April 2016

Section 91(2)	Use of performance information
Section 92(1)-(3)	Improvement planning and publication of improvement information
Section 93	Improvement information and planning
Section 95	Audit and assessment reports
Section 96	Response to section 95 reports
Section 97	Annual improvement reports

Provisions of the Act, relating to Performance Improvement, coming into operation on 1st April 2017

Section 91(1)	Use of performance information
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The Freedom of Information Act 2000 – confidentiality of consultations

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;

- the Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature; and
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner’s Office (or see website at: <http://www.informationcommissioner.gov.uk>)

List of Consultees

All Northern Ireland District Councils
Association of Local Government Finance Officers
Association of Public Service Excellence
Chief Local Government Auditor
GMB
Invest NI
Irish Congress of Trade Unions NI Committee (ICTUNI)
Local Government Staff Commission
Local Government Management Services Board
National Association of Councillors
NI Local Government Association
Northern Ireland Assembly/Committee for the Environment
Northern Ireland Committee of the Irish Congress of Trade Unions
NIPSA
Public Service Commission
Society of Local Authority Chief Executives
UNISON Northern Ireland
Unite