



**PARTNERSHIP AGREEMENT**

BETWEEN

**THE EXECUTIVE OFFICE**

AND

**THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD**

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## Introduction

### 1. The Partnership Agreement

- 1.1 This document sets out the partnership arrangements between the Executive Office (TEO) and the Historical Institutional Abuse Redress Board (HIARB). In particular, it explains the overall governance framework within which the HIARB operates, including the framework through which the necessary assurance are provided to stakeholders. Roles/responsibilities of partners within the overall governance framework are also outlined.
- 1.2 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles each party contributes. Underpinning the arrangements are the principles set out in the NI Code of Good Practice ***‘Partnerships between Departments and Arm’s-Length Bodies’*** which should be read in conjunction with this document. The principles which are laid out in the Code are:

#### LEADERSHIP

*Partnerships work well when Departments and Arm’s Length Bodies demonstrate good leadership to achieve a shared vision and effective delivery of public services. Strong leadership will provide inspiration, instil confidence and trust and empower their respective teams to deliver good outcomes for citizens.*

#### PURPOSE

*Partnerships work well when the purpose, objectives and roles of Arm’s Length Bodies and the sponsor department are clear, mutually understood and reviewed on a regular basis. There needs to be absolute clarity about lines of accountability and responsibility between departments and Arm’s Length Bodies. In exercising statutory functions Arm’s Length Bodies need to have clarity about how their purpose and objectives align with those of departments.*

#### ASSURANCE

*Partnerships work well when departments adopt a proportionate approach to assurance, based on Arm’s Length Bodies’ purpose and a mutual understanding of risk. Arm’s Length Bodies should have robust governance arrangements in place and in turn departments should give Arm’s Length Bodies the autonomy to deliver effectively. Management information should be what is needed to enable departments and Arm’s Length Bodies to provide assurance and assess performance.*

## VALUE

*Partnerships work well when departments and Arm's Length Bodies share knowledge, skills and experience in order to enhance their impact and delivery. Arm's Length Bodies are able to contribute to policy making and departmental priorities. There is a focus on innovation, and on how departments and Arm's Length Bodies work together to deliver the most effective policies and services for its customers.*

## ENGAGEMENT

*Partnerships work well when relationships between departments and Arm's Length Bodies are open, honest, constructive and based on trust. There is mutual understanding about each other's objectives and clear expectations about the terms of engagement.*

A full copy of the NI Code of Good Practice can be found at **Annex 9**

- 1.3 This document should also be read in conjunction with guidance on proportionate autonomy which provides an outline of the principles and characteristics for proportionate autonomy. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance to be established between the HIARB and TEO and this is reflected in this agreement.
- 1.4 TEO and the HIARB are committed to:
- Working together within distinct roles and responsibilities;
  - Maintaining focus on successful delivery of Programme for Government (PfG) outcomes and Ministerial priorities (see also paras 2.6 and 2.7);
  - Maintaining open and honest communication and dialogue;
  - Keeping each other informed of any issues and concerns, and of emerging areas of risk;
  - Supporting and challenging each other on developing policy and delivery [when developing policy this may cut across more than one department];
  - Seeking to resolve issues quickly and constructively; and
  - Acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.
- 1.5 The effectiveness of the partnership and the associated Engagement Plan will be reviewed each year by TEO and the HIARB in order to assess whether the partnership is operating as intended and to identify any emerging issues/opportunities for enhancement. This can be carried out as part of existing governance arrangements. The Partnership Agreement document itself will be reviewed formally at least once every three years to ensure it remains fit for purpose and up-to-date in terms of governance frameworks. The formal review will be proportionate to the HIARB's size and overall responsibilities and will be

published on TEO's and the HIARB's website as soon as practicable following completion.

- 1.6 A copy of this agreement has been placed in the Assembly Library and is available on TEO and the HIARB's websites.

## **The Redress Board Establishment and Purpose**

### **2. Statutory Purpose and Strategic Objectives**

- 2.1 The HIARB is defined as a Body Corporate under Schedule 1(1) of the Historical Institutional Abuse (NI) Act 2019 (the Act). The Act received Royal Assent on 5 November 2019. The HIARB became fully operational under Schedule 1(2) on the 31 March 2020 with the placing of an advertisement by TEO in the Belfast Gazette. For National accounts purposes the HIARB is classified to the central government sector.
- 2.2 The HIARB's statutory functions, duties and powers can broadly be described as receiving, processing and determining applications for compensation to those victims and survivors of historical institutional abuse in residential settings as set out in section 2(3), (4) & (5) of the Act. The Act provides the HIARB with a number of supporting powers as follows:
- Powers on how an application for compensation is to be determined and the amounts of compensation that can be awarded.
  - Powers for the Redress Board to compel the giving of evidence where it is considered necessary in the interests of justice to do so.
  - Powers for the President of the Redress Board to issue a restriction order to prevent the disclosure of information or a person's identity where it is in the public interest to do so.
- 2.3 The HIARB is a 'Body Corporate' and operates independently from the Department of Justice (DoJ) and TEO. Under Schedule 1 (5) of the Act the President appointed by the Lord/Lady Chief Justice (LCJ) of Northern Ireland has responsibility for ensuring the efficient and effective discharge of the HIARB's functions. TEO is responsible for sponsorship of the HIARB as an arm's-length body of TEO and for the sponsorship arrangements and financial accountability as set out in the Partnership Agreement. All business cases relating to expenditure incurred by the HIARB under the Partnership Agreement are approved by the HIARB Management Board and TEO. TEO is responsible for the approval of staff requirements under Paragraph 6(1) of Schedule 1 to the Act.
- 2.4 Ministers for TEO are answerable to the Assembly for the overall performance and delivery of both TEO wider responsibilities for implementation of the Report of the Historical Institutional Abuse Inquiry (ISBN 978-1-908820-91-4) and for specific responsibilities for the HIARB as set out in the Act.

- 2.5 The Executives outcome-based approach to delivery recognises the importance of Arm's Length Bodies and Departments working collaboratively and together in a joined up approach to improve overall outcomes and results.
- 2.6 To that end there is strategic alignment between the aims, objectives and expected outcomes and results of the HIARB and TEO.
- 2.7 The strategic aims of the HIARB are as follows:-
- To receive, determine and award payments of compensation to those victims and survivors of historical institutional abuse in residential settings.
  - To compel institutions or individuals to provide information and documents relating to a claim for compensation.

This supports TEO's Departmental Aim to support the Executive and in particular: Wellbeing for all through improved relations, outcomes and governance.

The implementation of a historical institutional abuse redress scheme (HIARS) for victims and survivors of historical childhood abuse and making payments as early as possible is included as one of the priorities of the restored Executive under the New Decade, New Approach Deal.

TEO HIA Strategy links to the following **Programme for Government Outcomes**: -

- We have an equal and inclusive society where everyone is valued and treated with respect.
- Everyone feels safe – we all respect the law and each other.
- We have a caring society that supports people throughout their lives.

TEO's objectives for 2022-2023 states 'delivering for victims and survivors of historical abuse'.

## **The Redress Board Governance Arrangements**

### **3. Organisational Status**

- 3.1 The HIARB is a distinct Body Corporate and operates at arm's-length from TEO as set out at paragraph 1 Schedule 1 of the Act. Section 19 (1)(a)(vi), of the Interpretation Act (Northern Ireland) 1954 has been dis-applied. Therefore the HIARB does not have the right to employ such staff as may be found necessary for the performance of its functions.
- 3.2 Under Paragraph 3(1) of Schedule 1 of the Act TEO has in writing identified the Department of Justice as the designated Department to exercise the administrative functions of the HIARB on the Board's behalf. Under paragraph 6, Schedule 1 of the Act, DoJ is responsible for provision of staff to the HIARB. In

practice this is undertaken by the NI Courts and Tribunals Service within DoJ and staff provided will be subject to all NICS HR Policies.

- 3.3 The Secretary to the HIARB will work closely with the DoJ NICS HR Business Partner in relation to HR matters.

#### **4. Governance Framework**

- 4.1 The HIARB has an established Corporate Governance Framework which reflects all relevant good practice guidance. The framework includes the governance structures established within the HIARB and the internal control and risk management arrangements in place. This includes its committee structure. By signing this Agreement TEO acknowledge their satisfaction with the framework.
- 4.2 The HIARB shall follow the principles, rules, guidance and advice in Managing Public Money Northern Ireland. A list of other applicable guidance and instructions which the HIARB is required to follow is set out in Annex 6. Good governance should also include positive stakeholder engagement, the building of positive relationships and a listening and learning culture.

#### **5. Redress Board - Management Board**

- 5.1 The HIARB is led by a President who is appointed by the LCJ of Northern Ireland under paragraph 5 (1) Schedule 1 of the Act. The President, under paragraph 5 (6) Schedule 1 of the Act, has responsibility for ensuring the efficient and effective discharge of the HIARB's functions.

#### **Judicial Members of the Redress Board**

- 5.2 The LCJ is also responsible for appointing the other judicial members of the HIARB as the President considers necessary, but this number is subject to TEO approval.

#### **Non Judicial Members (NJMs) of the Redress Board**

- 5.3 The non-judicial members (NJMs) of the HIARB are appointed by TEO and may be appointed only if the person has professional qualifications or experience in the field of health and social care which TEO considers relevant. The appointment process for NJMs of the HIARB must normally comply with the Code of Practice on Public Appointments for Northern Ireland.
- 5.4 Given the urgency to establish the HIARB, TEO met with the Commissioner for Public Appointments for NI (CPANI) who agreed that in advance of public appointments competition concluding in 2022/23 TEO could make a number of time-limited, interim appointments based on "conversations with a purpose" with the candidates identified and approved by the First and deputy First Ministers.

- 5.5 As Public Appointees NJMs are office holders rather than employees and so they are not subject to employees' terms and conditions. HIARB appraisal arrangements are set out in paragraphs 15.1 and 15.2 and matters for consideration in dealing with concerns/complaints in respect of HIARB members are provided in **Annex 5**.
- 5.6 The HIARB's Operating Framework provides further detail on roles and responsibilities and is designed to align closely with the principles of this Partnership Agreement. Under Schedule 1 paragraph 7 of the Act the HIARB may establish one or more committees to which the HIARB may delegate functions. Consequently, the President of and Secretary to the HIARB have established a Scheme of Delegations and Standing Orders to complement the operation of the Partnership Agreement. Under paragraph 4 (2) Schedule 1 the President has decided to establish a Management Board comprised of the President, one judicial member and two NJMs to provide proportionate and effective leadership to the HIARB.
- 5.7 The purpose of the Management Board is to provide effective leadership and strategic direction to the organisation and to ensure that the policies and priorities set by the President and the First Minister and deputy First Minister are implemented. It is responsible for ensuring that the HIARB has effective and proportionate governance arrangements in place and an internal control framework which allow risks to be effectively identified and managed. The Management Board will set the culture and values of the HIARB and set the tone for the HIARB's engagement with stakeholders and customers.
- 5.8 The Management Board is responsible for holding the Secretary to the HIARB to account for the management of the organisation and the delivery of agreed plans and outcomes. The Management Board should also however support the Secretary to the HIARB as appropriate in the exercise of their duties.
- 5.9 Management Board members act solely in the interests of the HIARB and must not use the Management Board as a platform to champion their own interests or pursue personal agendas. They occupy a position of trust and their standards of action and behaviour must be exemplary and in line with the seven principles of public life (Nolan Principles). The HIARB has a Code of Conduct and there are mechanisms in place to deal with any Management Board disputes and conflicts to ensure they do not become wider issues that impact on the effectiveness of the HIARB. A Management Board and HIARB Register of Interests is maintained, kept up to date and is publically available to help provide transparency and promote public confidence in the HIARB.
- 5.10 Communication and relationships within the Management Board are underpinned by a spirit of trust and professional respect. The Management Board



recognises that using consensus to avoid conflict or encouraging members to consistently express similar views or consider only a few alternative views does not encourage constructive debate and does not give rise to an effective Management Board dynamic.

5.11 It is for the Management Board to decide what information it needs, and in what format, for its meetings/effective operation. If the Management Board is not confident that it is being fully informed about the HIARB this will be addressed by the Chair of the Management Board as the Management Board cannot be effective with out-of-date or only partial knowledge.

5.12 In order to fulfil their duties, Management Board members must undertake initial training, and regular ongoing training and development. Review of the Management Board skills and development will be a key part of the annual review of Management Board effectiveness.

5.13 In exceptional circumstances the Secretary as Senior Accountable Officer (SAO) is under Standing Orders empowered to take urgent action on behalf of the Management Board in matters which normally have been considered by the Management Board itself but where no meeting (ordinary or extraordinary) of the Management Board is possible for that purpose. On all such occasions the Secretary shall first consult with the President or judicial delegate.

## **6. Redress Board President**

6.1 Under paragraph 5 (6) Schedule 1 of the Act the President has responsibility for ensuring the efficient and effective discharge of the HIARB's functions. The President is responsible for setting the agenda and managing the Management Board to enable collaborative and robust discussion of issues. The President's role is to develop and motivate the Management Board and ensure effective relationships in order that the Management Board can work collaboratively to reach a consensus on decisions.

To achieve this, the President should ensure:

- The Management Board has an appropriate balance of skills appropriate to its business;
- Management Board members are fully briefed on terms of appointment, duties, rights and responsibilities;
- Board members receive and maintain appropriate training;
- The President will be responsible for ensuring appropriate training for Judicial and Non-Judicial Members.
- There is a Management Board Operating Framework in place setting out the roles and responsibilities of the Management Board in line with relevant guidance.

- There is a code of practice for Board members in place, consistent with relevant guidance.
- 6.2 The role also requires the establishment of an effective working relationship with the Secretary to the HIARB that is simultaneously collaborative and challenging. It is important that the President and the Secretary act in accordance with their distinct roles and responsibilities as laid out in Managing Public Money and the appointment letter to Secretary to the HIARB as SAO.
- 6.3 The President should have a presence in the organisation and cultivates external relationships which provide useful links for the HIARB while being mindful of overstepping boundaries and becoming too involved in day-to-day operations or executive activities. The HIARB Standing Orders and Scheme of Delegation will assist in this endeavour.

## **7. Secretary to the Redress Board**

- 7.1 The role of the Secretary is to support the President and the Management Board in delivery of the HIARB's business. The Secretary is responsible for all executive management matters affecting the organisation and for leadership of the executive management team. The Secretary is assigned to the HIARB in accordance with paragraph 3(1) & (2) Schedule 1 of the Act.
- 7.2 The Secretary is designated as the HIARB SAO by TEO Accounting Officer (AO) (see section 11). As SAO and AO, they are responsible for safeguarding the public funds in their charge and ensuring they are applied only to the purposes for which they were voted and more generally for efficient and economical administration.
- 7.3 The Secretary is accountable to the President and the Management Board for performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Management Board and its Committees. The Secretary maintains a dialogue with the President on the important strategic issues facing the organisation and for proposing Management Board agendas to the President to reflect these. The Secretary ensures effective communication with stakeholders and communication on this to the Management Board. The Secretary also ensures that the President is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the HIARB.
- 7.4 The Secretary acts as a role model to other executives by exhibiting open support for the President and Management Board members and the contribution they make. The President and Secretary have agreed how they will work together in practice, understanding and respecting each other's role, including the Secretary's responsibility as SAO.

- 7.5 Further detail on the role and responsibilities of the Secretary are as laid out in Managing Public Money NI and their SAO appointment letter.

The Secretary's role as Principal Officer for Ombudsman Cases

- 7.6 The Secretary is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. The Secretary shall advise TEO AO of any complaints about the HIARB accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman.

## **8. Role of the Executive Office**

Partnership Working with the Redress Board

- 8.1 TEO and the HIARB are part of a total delivery system, within the same Ministerial portfolio. The partnership between TEO and the HIARB is open, honest, constructive and based on trust. There is mutual understanding of each other's objectives and clear expectations on the terms of engagement.
- 8.2 In exercising its functions the HIARB has absolute clarity on how its purpose and objectives align with those of TEO. There is also a shared understanding of the risks that may impact on each other, and these are reflected in respective Risk Registers.
- 8.3 There is a regular exchange of skills and experience between TEO and HIARB and where possible joint programme/project delivery boards/ arrangements. The HIARB may also be involved as a partner in policy/strategy development and provides advice on policy implementation/ the impact of policies in practice especially the impact on procedural rules under which the HIARB operate.
- 8.4 The Department of Finance (DoF) has established, on behalf of the Assembly, a delegated authority framework which sets out the circumstances where prior DoF approval is required before expenditure can be incurred or commitments entered. The Accounting Officer of TEO has established an internal framework of delegated authority for TEO and its ALBs which applies to the HIARB. [TEO Expenditure Approval Guidance \(CG0 1/22\)](#). Other specific approval requirements established in respect of the HIARB are set out at **Annex 3**.
- 8.5 Once the HIARB budget has been approved by TEO Ministers and subject to any restrictions imposed by statute the HIARB shall have authority to incur expenditure approved in the budget without further reference to TEO. Inclusion of any planned and approved expenditure in the budget shall not however remove the need to seek formal TEO approval where proposed expenditure is outside the delegated limits (as laid out in **Annex 3**) or is for new schemes not previously agreed. Nor does it negate the need to follow due processes laid out in guidance contained in Managing Public Money NI and the Better Business Cases NI.

## **9. TEO Lead Official**

- 9.1 TEO has appointed a lead senior official Grade 5 Director of Victims and Survivors to manage the relationship with the HIARB and ensure effective partnership working. Engagement between TEO and the HIARB will be co-ordinated, collaborative and consistent. A clear sense of collaboration and partnership will be communicated to staff in both TEO and the HIARB in order to promote mutual understanding and support. Key TEO contact will be with TEO HIA Implementation Team and TEO Finance Team.
- 9.2 The lead senior official is the policy lead for the policy area relating to the HIARB business and together with the TEO HIA Implementation Team has a clear understanding of the HIARB responsibilities for policy implementation/operational delivery and the relevant audiences/stakeholders involved.
- 9.3 The lead senior official will ensure that where there are Departmental staff changes, time is taken to ensure they have a full understanding of the HIARB business and challenges.

## **10. Annual Engagement Plan**

- 10.1 TEO and the HIARB will agree an engagement plan before the start of each business year. The Annual Engagement Plan (**Annex 2**) will set out the timing and nature of engagement between the HIARB and TEO. The engagement plan will be specific to the HIARB and should not stray into operational oversight.
- 10.2 Engagement between the TEO's lead official/their teams and the HIARB will be centred on partnership working, understanding of shared risks and working together on business developments that align with policy objectives.
- 10.3 In line with relevant guidance, the HIARB will work in collaboration and partnership with TEO to prepare business plans. There should be good high level strategic alignment between TEO and the HIARB and where necessary the Northern Ireland Courts and Tribunals Service (NICTS). Once approved it will be the Management Board of the HIARB that primarily holds the Secretary to account for delivery and performance. TEO will engage with the HIARB on areas of strategic interest, linking TEO policy and the HIARB delivery of policy intent. Given the specific roles for DoJ set out in Schedule 1 of the Act, there may be a requirement to engage with appropriate DoJ representatives as part of the Engagement Plan development.
- 10.4 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year. The aim will be to ensure clear understanding of why information is necessary and how it will be

used. Where the same, or similar information is required for internal governance information requirements will be aligned so that a single report can be used for both purposes. This is particularly relevant given the specific funding arrangements undertaken between TEO and DoJ set out in paragraph 10 Schedule 1 of the Act and there may be a requirement to engage with appropriate DoJ representatives. In addition, the engagement plan should consider opportunities for learning and development, growth and actions which could help achieve better outcomes.

## **11. Departmental Accounting Officer**

11.1 TEO AO is accountable to the NI Assembly for the issue of grant to the HIARB. The Executive Office AO has designated the Secretary of the HIARB as the HIARB SAO by letter of 20 April 2020. Respective responsibilities of the departmental Accounting Officer are set out in Chapter 3 of MPMNI and the SAO responsibilities are set out in their SAO appointment letter.

11.2 TEO AO may withdraw the HIARB SAO designation if they conclude that the HIARB SAO is no longer a fit person to carry out the responsibilities of a SAO or that it is otherwise in the public interest that the designation be withdrawn. In such circumstances the President will be given a full account of the reasons for withdrawal and a chance to make representations. Withdrawal of the HIARB SAO status may bring into question the continued assignment of the Secretary (who is a seconded officer from NICTS). The President should engage with TEO and NICTS Chief Operating Officer should such circumstance arise.

11.3 As outlined in section 7, the Secretary is accountable to the HIARB Management Board for their stewardship of the HIARB. This includes advising the Management Board on matters of financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.

11.4 TEO AO must be informed if the judgement of the HIARB SAO (on matters for which they are responsible) is over-ridden by the Management Board. The HIARB SAO must also take action if the Management Board is contemplating a course that would infringe the requirement for financial propriety, regularity, prudent and economical administration, efficiency or effectiveness. In all other regards, TEO AO has no day to day involvement with the HIARB or its' Secretary.

11.5 In line with DoF requirements, the HIARB SAO will provide as part of the assurance reporting process a periodic declaration of fitness to act as SAO to TEO AO.

## **12. Attendance at Public Accounts Committee**

12.1 The Executive Office AO may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities

as Departmental AO with overarching responsibilities for the HIARB. In such circumstances, TEO AO may therefore expect to be questioned on their responsibilities to ensure that:

- there is a clear strategic control framework for the HIARB;
- sufficient and appropriate management and financial controls are in place to safeguard public funds;
- the nominated SAO is fit to discharge his or her responsibilities;
- there are suitable internal audit arrangements;
- TEO accounts are prepared in accordance with the relevant legislation and any accounting direction; and
- Intervention is made, where necessary, in situations where the HIARB's SAO's advice on transactions in relation to regularity, propriety or value for money is overruled by the body's Management Board or President.

12.2 The HIARB Secretary may also, on occasion, be summoned to give evidence to the Public Accountants Committee on such relevant issues arising within the C&AG's studies or reports, in relation to the role and actions taken by them, where appropriate.

12.3 Due to the Judicial Independence associated with the role of the Redress Board President it would not be appropriate for them to be summoned to appear before the Public Accounts Committee (PAC). The President would however, in exceptional circumstances, be willing to consider an invitation to attend the PAC where it was felt that same would be beneficial.

## **Assurance Framework**

### **13. Autonomy and Proportionality**

13.1 TEO will ensure that the HIARB has the autonomy to deliver effectively, recognising its status as a separate legal entity which has its own Management Board and governance arrangements. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance established between the HIARB and TEO and is reflected in this Agreement.

13.2 A proportionate approach to assurance will be taken based on the HIARB's overall purpose, business and budget and a mutual understanding of risk. The approach will include an agreed process through which the HIARB's SAO provides written assurance to TEO that the public funds and organisational assets for which they are personally responsible are safeguarded, have been managed with propriety and regularity, and use of public funds represents value for money.

- 13.3 Recognising the governance arrangements in place within the organisation, the HIARB's SAO will arrange for their written assurance to be discussed and presented to the Management Board prior to submission to TEO where possible. If not possible, or practicable, the President (Chair of the Management Board or his nominee) should have sight of the assurance statement, prior to being submitted to TEO.
- 13.4 The President will provide written confirmation that the HIARB's SAO's formal assurance has been considered by the Management Board and is reflective of the HIARB current position.
- 13.5 In addition to the HIARB SAO's written assurance, TEO will take assurance from the following key aspects of the HIARB's own governance framework:
- Annual Review of Management Board Effectiveness;
  - Completion of Management Board Appraisals which confirm Board member effectiveness;
  - Internal Audit assurance and External Quality Assessment of the Internal Audit function;
  - Externally audited Annual Report and Accounts, reviewed/considered by TEO.

#### **14. Board Effectiveness**

- 14.1 The President will ensure that the Management Board undertakes an annual review of the Management Board Effectiveness which encompasses committees established by the President or Management Board. TEO may consider an external review of the Management Boards effectiveness every three years.
- 14.2 The President will discuss the outcome of the annual review of Management Board Effectiveness with TEO lead official to ensure a partnership approach to any improvements identified. This will inform the annual programme of Management Board training/development and discussions in respect of Management Board composition and succession.
- 14.3 In line with any parameters set out in founding (or other) legislation, the President in conjunction with TEO, and Ministers where appropriate, will consider the size and composition of the Management Board, proportionate to the size and complexity of the HIARB and keep this under review.

#### **15. Board Appraisals**

- 15.1 The President will conduct an annual appraisal in respect of each Management Board member which will also inform the annual programme of Management Board training and development. The President will engage with the Secretary/lead official as appropriate on improvements identified through the appraisal process and the annual training/development programme.

15.2 A yearly conversation, to coincide with the production of HIARB Annual Report will be held between the President and TEO AO to consider the performance of the HIARB during the reporting year and, where agreed as necessary, identify improvements that could be achieved going forward.

## **16. Internal Audit Assurance**

16.1 Internal Audit services for HIARB will be provided by TEO's internal audit team.

16.2 The HIARB will ensure TEO's internal audit team have complete right of access to all relevant records.

16.3 TEO will ensure regular, periodic self-assessments of the internal audit function in line with PSIAS and will share these with the HIARB.

16.4 The Secretary to the HIARB will alert TEO to any less than satisfactory audit reports at the earliest opportunity on an ongoing basis. The HIARB and TEO will then engage closely on actions required to address the less than satisfactory opinion in order to move the HIARB to a satisfactory position as soon as possible.

## **17. Annual Report**

17.1 As per paragraph 11(1) of Schedule 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019 the HIARB must as soon as practicable after the end of each financial year, send to TEO a report on the exercise of the Board's functions during that year.

17.2 TEO must, in the case of each report sent to it under this, lay a copy of the report before the Northern Ireland Assembly.

## **18. Externally Audited Annual Report and Accounts**

18.1 In the event of a qualified audit opinion or significant issues reported in the Departments accounts TEO will engage with the HIARB on actions required to address the qualification/significant issues.

18.2 The Department will take assurance from the external audit process and an unqualified position as part of its overall assurance assessment.

18.3 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the HIARB has used its resources in discharging its functions. The C&AG may also carry out thematic examinations that encompass the functions of the HIARB.




18.4 For the purpose of audit and any other examinations, the C&AG has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.

18.5 Where making payment of a grant, or drawing up a contract, the HIARB should ensure that it includes a clause which makes the grant or contract conditional upon the recipient or contractor providing access to the C&AG in relation to documents relevant to the transaction. Where subcontractors are likely to be involved, it should also be made clear that the requirements extend to them.

#### Signatories

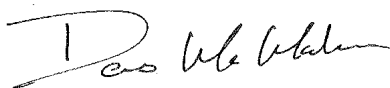
The HIARB and TEO agree to work in partnership with each other in line with the NI Code of Good Practice '**Partnerships between Departments and Arm's-Length Bodies**' and the arrangements set out in this Agreement.

DoF Supply will approve the initial Partnership Agreement between the HIARB and TEO and any subsequent variations to the Agreement if they are significant.



Signed (Secretary of the Redress Board)

Date 7<sup>th</sup> December 2022



Signed (TEO Permanent Secretary)

Date

## Annex 1 - Applicable Legislation

The Historical Institutional Abuse (Northern Ireland) Act 2019

The Historical Institutional Abuse Redress Board (Applications and Appeals) Rules (Northern Ireland) 2020

**[Click here to see the full Historical Institutional Abuse \(Northern Ireland\) Act 2019 \(HIANI Act 2019\)](#)****[Click here to see the full Historical Institutional Abuse Redress Board \(Applications and Appeals\) Rules \(Northern Ireland\) 2020](#)**

## Annex 2 – Annual Engagement Plan

*Good engagement is one of the key principles in the Partnership Code, underpinning the other principles of: Leadership; Purpose; Assurance; and Value. As laid out in the Code, partnerships work well when relationships between departments and ALBs are open, transparent, honest, constructive and based on trust and when there is mutual understanding of each other's objectives and clear expectations about the terms of engagement.*

### Engagement Plan

Engagement Plan 2020/2021		
Policy Development and Delivery		
Policy Area	Timing	Lead
Legal Representatives Costs & Expenses Protocol	01/Apr/20	Secretary Redress Board
Unrepresented Applicants Costs & Expenses Protocol	01/Apr/20	Secretary Redress Board
Procedural Guidance	01/Apr/20	Secretary Redress Board
Application Form & Guidance	01/Apr/20	Secretary Redress Board
Examples of Abuse Guidance	01/Apr/20	Secretary Redress Board
Banding Guidance	01/Apr/20	Secretary Redress Board
Online Application Portal Guidance	01/Apr/20	Secretary Redress Board
Virtual Panel Session Protocol	01/Apr/20	Secretary Redress Board

Strategic Planning		
Activity	Date	Lead Departmental/ALB Official
Redress Board Strategic Planning Workshops encompassing strategic planning and risk identification. Informed by input on departmental priorities/plans and risk areas	February	Redress Board Senior Management Team with input from TEO HIA Implementation Team
Engagement on the draft Business Plan and identification of areas of strategic interest to TEO to inform further scheduled engagement during the year	Early March	Redress Board Senior Management Team with input from TEO HIA Implementation Team
Submission and agreement presentation of the Redress Board Business Plan to TEO	Late March	Secretary Redress Board
Approval of the Redress Board Business Plan	01 April	TEO Lead Official
Engagement on areas of strategic interest iro the Redress Board Business Plan during the year	Quarterly	Redress Board Senior Management Team & TEO HIA Implementation Team

<b>Joint Working</b>		
<b>Activity</b>	<b>Timing</b>	<b>Lead(s)</b>
The Development of the Redress Board Case Management System	01 April	Secretary Redress Board & TEO Lead Official
TEO/HIARB update Meetings	Weekly	TEO/HIARB
Accountability and Liaison Meetings	Quarterly	TEO/HIARB
Finance Meetings	Quarterly	TEO/HIARB

<b>Board Appointments</b>		
<b>Activity</b>	<b>Date</b>	<b>Lead</b>
Appointment of President	15/Nov/19	Lord Chief Justice
Appointment of interim Secretary	21/Nov/19	DoJ
Establish the Redress Board on a statutory basis	01/Apr/20	TEO
Appointment of judicial panel members	01/Apr/20	Lord Chief Justice
Appointment of interim non judicial members	01/Apr/20	TEO
Public appointment of non-judicial members	Autumn 2022	TEO

<b>Recruitment of Secretary to the Redress Board Recruitment</b>		
<b>Activity</b>	<b>Date</b>	<b>Lead</b>
Appointment of Secretary	21/Nov/19	DoJ

<b>Assurances</b>		
<b>Action</b>	<b>Date</b>	<b>Lead</b>
Assurance Statement	Annually	DoJ
Outcome of the Review of Board Effectiveness	Annually Scheduled for June 2022	President & Secretary Redress Board
Planning for the externally facilitated review of Board Effectiveness	Tri-annually	President & Secretary Redress Board & TEO Lead Official Grade 5
Board Appraisals and planned training/development for Board members	Annually	President Redress Board
Redress Board Assurance Statement to TEO	Quarterly	Secretary Redress Board
Conversation to be held once a year, at time of Annual Report production, between the President and the TEO Accounting Officer, around performance and potential improvements going forward	01 April	TEO AO
Engagement on other planned NIAO reports	Ad hoc as required	TEO Lead Official Grade 5 & Secretary Redress Board

<b>Budget Management</b>		
<b>Item and Purpose</b>	<b>Date</b>	<b>Lead(s)</b>
Engagement on budget requirements and Forecast Expenditure for the Financial Year	Monthly Profiling will be commissioned on working day	TEO & Redress Board

	5 of every month with a return date of working day 5 +3	
Departmental approval of annual budget	This has to be approved by 31st March each year	TEO
Monthly Financial Management Returns	Monthly Profiling will be commissioned on working day 5 of every month with a return date of working day 5 +3	DP Acct TEO, Redress Board, DoJ
Monthly Cash Forecast	Due working day 3 of each month	DP Acct TEO. Redress Board, DoJ
Monitoring Round Returns June, October and January	These are usually commissioned earlier in order to meet deadlines with DoF and submit papers to the committee and ministers for approval.	DP Acct TEO, Redress Board, DoJ
Provisional Outturn	Due on 14 May to DoF	
Final Outturn	No date as yet	TEO, RFF
Formal written financial memorandum/grant funding agreement	01 April	TEO
Establish specific approval requirements	See Annex 3	TEO
Authority to spend (without further reference to TEO)	See Annex 3	TEO
Governance and finance oversight – body corporate	Quarterly	HIA Management Board
Application process and Supporting Infrastructure	Bimonthly	TEO, DoJ, HIAI Project Board, ESS

Other		
Item and Purpose	Date	Lead(s)
Fitness to Act as Senior Accountable Officer provided as part of Assurance Reporting	Quarterly	SAO
Fraud Reporting	Immediate reporting of	Redress Board Secretary to TEO Lead Official.

	all frauds (proven or suspected including attempted fraud)	TEO Lead Official to TEO Director of Finance & Corporate Services, DoF and C&AG
Fraud Reporting	Annual fraud return commissioned by DoF on fraud and theft suffered by Redress Board	TEO will report frauds immediately to DoF and C&AG
Media management protocols. Independence of the Redress Board to engage with media/announcements of corporate and policy communications significant to Redress Board. Arrangements to share press releases where relevant to ensure no surprises.	Ad hoc as required	Redress Board Secretary and TEO Lead Official
Preparation of business cases. TEO will assist the Redress Board to prepare business cases and consider working together to share expertise where appropriate.	Ad hoc as required	Redress Board Secretary and TEO Lead Official
Whistleblowing cases/ Speaking Up/Raising Concerns.	Ad hoc as required	Redress Board Secretary
Assembly questions relating to policy and legislative functions of the Redress Board	Ad hoc as required	TEO Lead Official with input from Redress Board Secretary
Assembly questions specifically related to conduct and procedure of the Redress Board	Ad hoc as required	Redress Board Secretary

<b>Review of the Partnership Arrangement</b>		
<b>Item and Purpose</b>	<b>Date</b>	<b>Lead(s)</b>
Light touch review of the Partnership Agreement to be scheduled following the end of the Business Year	01 April	Redress Board Secretary and TEO Lead Official
Formal review of the Partnership Agreement to be conducted once every three years	30/Apr/25 and tri annually thereafter	Redress Board Secretary and TEO Lead Official

**This is a sample Engagement Plan for 2020/2021, which is a working document that will be updated annually in line with para 10.1 to 10.4**

## **Annex 3 - Delegations**

HIARB shall obtain TEO's prior written approval before:

- entering into any undertaking to incur any expenditure that falls outside the delegations, or which is not provided for in the Redress Boards annual budget as approved by TEO or amended as part of monitoring rounds;
- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by TEO;
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money Northern Ireland.

### **HIARB's Specific Delegated Authorities**

These delegations shall not be altered without the prior agreement of TEO and, where applicable, DoF.

### **Financial Delegations**

#### **Background**

The Management Board is committed to ensuring that financial decisions are made following an open, fair and transparent process.

The purpose of this policy is to outline the financial delegation limits for the approval of all expenditure decisions. The benefits of delegated decisions include:

- Efficient and effective organisation;
- The Management Board has more time to consider strategic issues;
- The achievement of a more flexible procedure for dealing with small scale investments; and
- Decisions on expenditure for funding being communicated to applicants/suppliers promptly.

#### **Scope**

The policy applies to all expenditure decisions. The Management Board and Redress Board staff must adhere to it. Any breach or alleged breach of this protocol will require

investigation and reporting to the Management Board. This will be initiated by the SAO within the established disciplinary policy and procedure and reported to the Management Board along with proposed corrective actions to prevent re-occurrence.

### **Authorisation of New Expenditure**

This relates to decisions in respect of the budgets approved by the Management Board and set out within the Work Programme approved by TEO.

Decisions with respect to expenditure can be made at three levels:

- Budget Holder;
- Senior Accounting Officer; and
- Board Level.

Management Board approval will be sought before any request for approval is made to TEO. All delegated decisions will be reported by the SAO to the Management Board. The following table provides the delegated authority levels for the Redress Board expenditure. Table 1 sets out the delegated limits from TEO's Expenditure Approval Guidance.

**TABLE 1 Delegated Limits**

Type of Expenditure*	Budget Holder	Senior Accounting Officer	Management Board**
Revenue	£0-£4,999	£5,000-£29,999	£30,000+
Capital	£0-£4,999	£5,000-£9,999	£10,000+
ICT	N/A	£0-£9,999	£10,000+
External Consultancy	N/A	£0-£4,999	£5,000+
Direct Award Contracts	N/A	£0-£29,999	£30,000+

\* All expenditure should be inclusive of VAT, CPD charges and staff costs (where applicable)

\*\* Level at which TEO approval required

All business cases up to £30,000 will require approval in accordance with the limits set out in Table 1 above. For decisions regarding expenditure above these limits, TEO approval will be required. The approval process will flow from the Management Board to TEO. CG01/22 sets out other expenditure approval guidance that applies to all Departments. TEO Expenditure Approval Guidance (CG0 1/22).

The quarterly meeting agenda for the Management Board meeting and monthly meeting agenda of the Senior Management Team will be formatted to ensure that the delegated decision making process is applied consistently and reported upon within the formal minutes of each meeting. The Senior Management Team will also review and approve all Management Board Papers prior to the papers going out to ensure all reports are up to date.

Where the SAO has concerns that any of the decisions reached are likely to be particularly sensitive, controversial or outside-established procedures, these will be presented to the Management Board.

Redress Board staff or the Management Board should not be involved in making decisions on expenditure on which they may have or be perceived to have a conflict of interest.

### **Authorisation for Increasing an Existing Decision**

Decisions with respect to increasing an existing expenditure decision can also be made at three levels (Budget Holder, SAO and Board).

Table 1 also provides the delegated authority levels for increasing an existing decision. Note the following restrictions:

- A revised award value must not be more than the approved budget unless exceptional justification is provided and approved by the Management Board;
- Management must also account for situations where an investment has been the subject of more than one increase. The 10% threshold applies to the cumulative change to investment and the initial investment value will serve as the baseline.

Where changes of 10% or more are incurred to a project in terms of costs, outputs and risk, these will necessitate a business case addendum and approval within the parameters outlined in Table1 above.

For any change where the revised expenditure is greater than £30,000, Management Board approval will be required and also TEO approval.



## Procurement Decisions

TEO Accounting Officer has agreed that given the limited procurement being undertaken by the Redress Board that it can manage their own procurement between £5k and £30k in line with CPD guidelines.

However, as per CG01/22 this delegation does not apply to external consultancy and construction works and services. All construction works and services and external consultancy valued at over £10k must be procured through CPD.

If deemed to be consultancy, the delegated limits for both business case approval and procurement are significantly reduced as follows:

Revenue Expenditure	Non-consultancy	Consultancy
Business Case	Up to £30k	Up to £5k
Procurement	Up to £30k	Up to £10k

## Purchasing all Goods, Services and Works

**Table 2 Delegated Authority for the Purchase of Goods, Services and Works**

THRESHOLDS	NUMBER/TYPE OF TENDER REQUIRED	AUTHORISATION
<b>Up to £1,500 *</b>	In first instance use an existing framework if available for use. In absence of available framework price check should be carried out with at least 2 contractors / suppliers and documented	Appropriate member of staff as identified by Senior Accountable Officer
<b>£1,500 and up to £5,000 *</b>	In first instance use an existing framework if available for use. In absence of available framework price check should be carried out with at least 2 contractors / suppliers and documented	Senior Accountable Officer
<b>£5,000 - £10,000 **</b>	Invitations to tender to be issued to a minimum 2 suppliers (3 suppliers when existing supplier is being invited to retender).	Senior Accountable Officer
<b>&gt;£10,000 - &lt; £30,000 **</b>	Invitations to tender to be issued to a minimum 2 suppliers (3 suppliers when existing supplier is being invited to retender).	Senior Accountable Officer
<b>&gt; £30,000 &lt; EU Thresholds ***</b>	Procurement to be carried out by CPD	Management Board with prior approval from TEO

\* Annex A of PGN 4/12 (revised May 2016) applies for purchases up to £5,000. Please refer for guidance.

\*\* Please refer to guidance 'CPD Advice To Clients And Staff On The Procurement Of Goods And Services Below £30,000' issued August 2012 by CPD (attached below)

\*\*\* PGN 5/12 (revised May 2016) applies. Please refer for guidance.



CPD advice to  
clients and staff on

### **Where the minimum number of Quotation/Tenders is not obtained**

Where the HIARB is unable to obtain a sufficient number of tenders, it must advise TEO of the situation and supply reasons for insufficient number of tenders having been sought. Records of all correspondence are to be retained on file including any justification given and/or approvals obtained.

- In order to obtain the required minimum number of quotations/tenders, purchasing officers should always aim to invite more than the stipulated number. In the case of the level up to £5,000 every attempt should be made to obtain more than one quotation.
- If the estimated value of the purchase is close to the upper limit then it would be advisable to invite the number of quotations/tenders required in the next level. The possibility of combining repeat purchases to increase buying power should be explored. Orders must not be split so as to avoid the need for competitive tendering.
- For any purchase or contract above £5,000 where the minimum number of quotations/tenders was not obtained, the SAO may permit the purchase to proceed if satisfied that every attempt has been made to obtain competitive offers and that value for money will be achieved. In these cases a report should be submitted to TEO. Records of all correspondence are to be retained on file including any justification given and/or approvals obtained.

### **Capital Projects**

The SAO may authorise capital expenditure on discrete capital projects of up to £10,000. Capital projects over this amount require the approval of TEO and may be subject to quality assurance by the Department of Finance if requested.

Any novel and/or potentially contentious projects, regardless of the amount of expenditure, require the approvals of TEO and DoF.

### **Disposal of Surplus Equipment**

The HIARB shall maintain an accurate and up-to-date register of its fixed assets. The HIARB should follow the guidance in accordance with MPMNI, Annex 4.8.

## Lease and Rental Agreements

The HIARB may enter into lease and/or rental agreements for the provision of goods and services. Lease and rental agreements for the provisions of goods and services should be open to competitive tendering in the same way as purchases unless there are convincing reasons to the contrary. The delegations established at paragraph 1 will also apply to lease and rental agreements with the cash values relating to the annual cost of the arrangement. TEO's approval must be obtained for any leasing and/or rental agreement of a value of £25,000 or more per annum. DoF and TEO approval must be secured for all expenditure associated with property lease extensions and the take up of new property leases (supported by appropriate business cases).

## Approval of Information Technology Projects

The appraisal of Information Technology (IT) projects should include the staffing and other resource implications.

a. The principles of appraisal, evaluation and management apply equally to proposals supported by information communication technology (ICT) as to all other areas of public expenditure. ICT-enabled projects should be appraised and evaluated according to the general guidance in the Better Business Cases NI and managed with Programme and Project processes.

b. The purchase of IT equipment and systems should be in line with the guidance on Procedures and Principles for Application of Best Practice in Programme/Project Management (PPM), (available at [www.dfpni.gov.uk/successful-delivery](http://www.dfpni.gov.uk/successful-delivery)) and be subject to competitive tendering unless there are convincing reasons to the contrary. The form of competition should be appropriate to the value and complexity of the project, and in line with the Procurement Control Limits in Table 2. Delegated authority for each IT project is set out in Table 3.

**Table 3 Delegation Arrangements for Information Technology Projects, Systems and Equipment**

THRESHOLDS	NUMBER/TYPE OF TENDER REQUIRED	AUTHORISATION
Up to £500	2 or 3 Oral Quotations (fax or e-mail confirmation should be obtained)	Senior Accountable Officer
£500-£5000	Outline business case required 4 Selected Tenders	Senior Accountable Officer
£5000-£10,000	Full business case required 5 Selected Tenders	Senior Accountable Officer
Projects over £10,000	Full economic appraisal and business case. Publicly advertised open or restricted tender competition	The Management Board plus advice and prior approval from TEO

As outlined in DAO 06/15 ([DAO \(DFP\) 06/15 - Extension of Shared Services - 12 March 2015 \(finance-ni.gov.uk\)](http://www.finance-ni.gov.uk)), there is now a requirement for all Departments and their NDPBs to work with Enterprise Shared Services (ESS) to make use of the ESS shared services wherever possible. ESS provides a range of services including IT; Finance; HR; Digital Transformation (including

NI Direct); Learning and Development; and Property Management. Public bodies must consider at an early stage, and in consultation with ESS, whether the ESS shared services offer is a viable alternative. This option must be appraised in all relevant business cases.

## **Engagement of Consultants**

### **General**

The HIARB has authority to appoint consultants for a single contract without recourse to the sponsor Department up to a total cost of £5,000. Appointment above this level will be subject to any guidance as may be issued by DoF or TEO.

The HIARB shall provide TEO with a quarterly statement on the status of all consultancies completed and/or started in each financial year. Care should be taken to avoid actual, potential, or perceived conflicts of interest when employing consultants.

### **Economic appraisal**

A full business case should be prepared for all consultancy assignments expected to exceed £10,000. A proportionate business case should be prepared for all assignments below this threshold.

Section 5 of the guidance note attached to FD (DFP) 07/012 explains the nature of the required business case. Business cases for all consultancy assignments shall be prepared and approved in line with the TEO Expenditure Approval Guidance CG01/19 issued by TEO on 1 November 2019. ([FD \(DFP\) 07/12 - Attachment - DFP Guidance - Use of Professional Services including Consultants \(finance-ni.gov.uk\)](#))

### **Direct Award Contracts**

Direct Award Contracts (DACs) should be avoided and advice from CPD sought. The SAO can approve DACs up to the HIARB's delegated limit (currently £30,000), except for external consultancy DACs. Direct Award Contracts above the delegated limit and all external consultancies must also be approved by the Departmental Accounting Officer.

Any proposal to procure goods and services with a combined cost of greater than £5,000 through a Direct Award Contract must be supported by CPD advice and a business case setting out the rationale and justification for doing so. The relevant Accounting Officer(s) approval is required before awarding any contract through a direct award contract.

Details of all Direct Award Contracts (above £5,000) entered into by the ALB must be tabled at their Audit Committee and reported on a quarterly basis to the Department in an annexe to their assurance statements.

## **Losses and Special Payments**

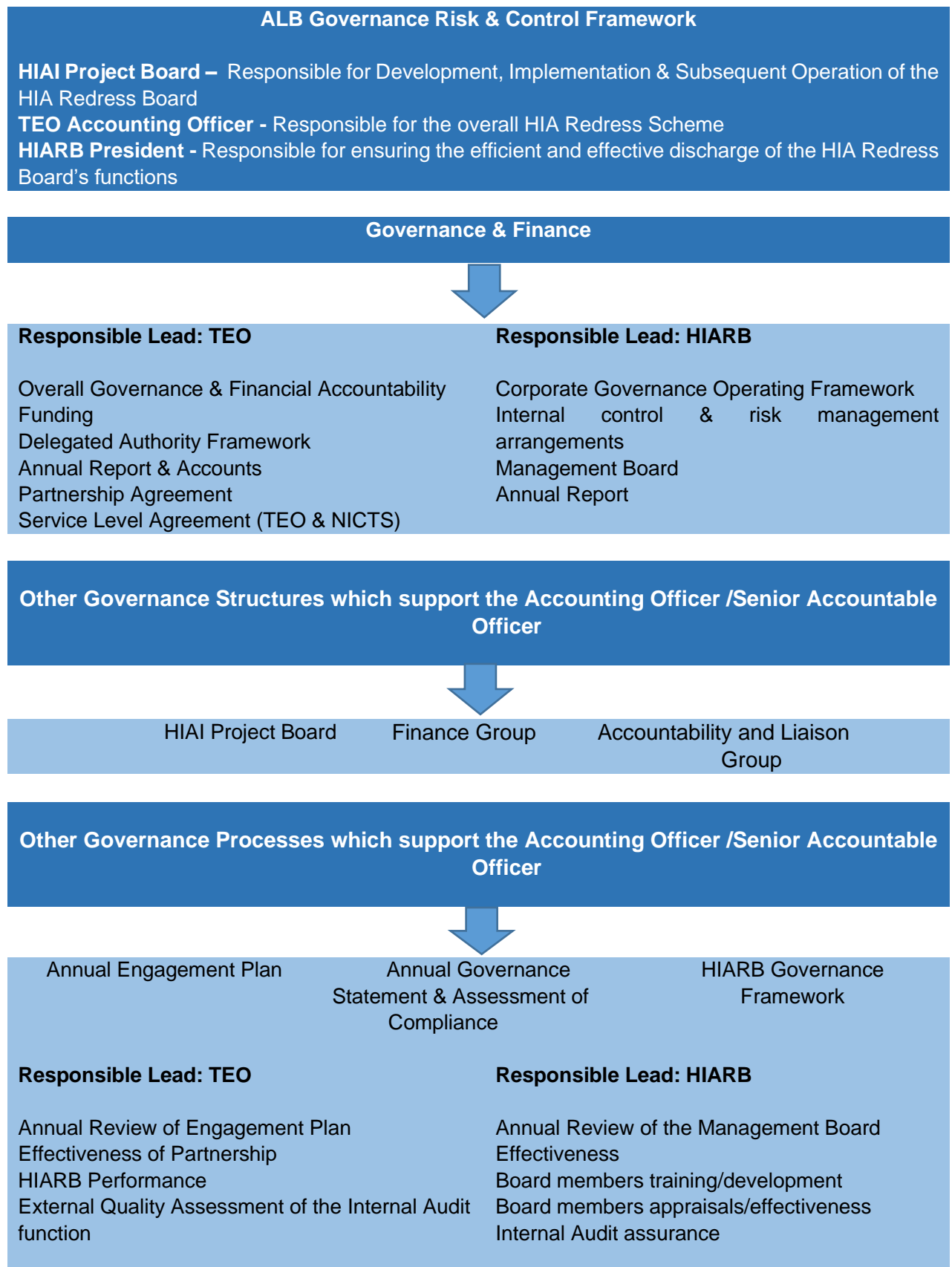
The SAO will have the authority to write off losses and make special payments:

- (a) Cash losses – up to £1,000 per case/incident
- (b) Stores/Equipment losses – up to £1,000 per case/incident
- (c) Constructive losses and fruitless payments – up to £1,000 per case.
- (d) Compensation payments
  - i. Made under legal obligation, e.g., by Court Order – up to £1,000 per case plus reasonable legal expenses
  - ii. For damage to personal property of staff – up to £1,000 per case. Where written legal advice is that the NDPB should not fight a court action because it is unlikely that it would win – up to £1,000 per case
- (e) Claims abandoned or waiver of claim – up to £1,000 per case
- (f) Extra contractual payments – up to £1,000 per case
- (g) Ex gratia payments – up to £1,000 per case (Pensions payments are not covered by this threshold)
- (h) Extra statutory and extra regulatory payments – no delegation, all proposals must be submitted to the sponsor department for approval

The prior approval of the sponsor Department must be obtained for amounts above these values.

Details of all losses and special payments should be recorded in a Losses and Special Payments Register, which will be available to auditors. The Register should be kept up-to-date and should show evidence of the approval by the Management Board, and TEO as necessary.

## Annex 4 – Illustrative System of Assurance



## **Annex 5 – Concerns/Complaints in respect of Management Board members**

In line with the NI Code of Good Practice and the arrangements in this Partnership Agreement the approach to concerns/complaints raised in respect of the HIARB members should be transparent and collaborative. The principle of early and open engagement is important, with TEO made aware of any concerns/complaints as soon as practicable.

While Board Members are Public Appointees/office holders rather than HIARB employees a HIARB civil servant staff member may utilise NICS grievance procedure or the NICS HR procedure to raise a complaint against a HIARB Board Member. The HIARB civil servant staff member raising the grievance should expect this to be handled in line with the applicable NICS HR policy and procedures.

Concerns/complaints might also be raised through:

- Directly with HIARB, DoJ or TEO; or
- Complaints processes; or
- Raising Concerns/Whistleblowing arrangements;

Where a concern or complaint is received within the HIARB in respect of an individual NJM of the HIARB this should be provided to the HIARB President. They will notify TEO through the Secretary to the HIARB at the outset so that lead responsibility for handling the complaint or concern is clear from the start.

Where a concern or complaint relates to a Judicial Member or the President of the HIARB, the Secretary to the HIARB will notify TEO. However, such complaints will be dealt with by the Lord Chief Justice under the Conduct of Judicial Office Holders Code of Practice. This was issued by the Lord Chief Justice under Section 16 of the Justice (Northern Ireland) Act 2002 as amended.

Differences of view in relation to matters which fall within the Board's responsibilities are a matter for the Board to resolve through consensus-based decision making in the best interests of the HIARB.

Where a concern or complaint is raised by a HIARB member about a member of the administrative staff other than the Secretary, the Secretary will notify the President. Such complaints will be dealt with under the relevant NICS policy. Complaints about the Secretary will be referred to the Chief Operating Officer of the NI Courts & Tribunals Service to be managed in accordance with the relevant NICS policy.

Arrangements for concerns or complaints in respect of Management Board members should be reflected in all relevant procedures, including Standing Orders and Board Operating Frameworks.

## **Annex 6 - Applicable Guidance**

The following guidance is applicable to the HIARB.

### **Guidance issued by the Department of Finance**

- Managing Public Money NI
- Public Bodies – A Guide for NI Departments
- Corporate Governance in central government departments – code of good practice
- DoF Risk Management Framework
- HMT Orange Book
- Public Sector Internal Audit Standards
- Accounting Officer Handbook – HMT Regularity, Propriety and Value for Money
- Dear Accounting Officer Letters
- Dear Finance Director Letters
- Dear Consolidation Officer and Dear Consolidation Manager Letters
- The Consolidation Officer Letter of Appointment
- Government Financial Reporting Manual (FReM)
- Guidance for preparation and publication of annual report and accounts
- Procurement Guidance

### **Other Guidance and Best Practice**

- Specific guidance issued by the Department
- TEO Expenditure Approval Guidance CG01/22
- The Executive Office (TEO) Whistleblowing Policy and Procedures
- Compensation Guidance
- Recommendations made by the NI Audit Office/NI Assembly Public Accounts Committee
- NIAO Good Practice Guides
- Guidance issued by the Executive's Asset Management Unit
- NI Public Services Ombudsman guidance
- NICS Fraud Policy and Prevention Plan



## **Annex 7 – Role of the Ministers**

### **Role of the Ministers**

The President of HIARB under Schedule 1(5) of the Act, has responsibility for ensuring the efficient and effective discharge of the HIARB's functions. The HIARB is operationally independent of both Ministers and TEO.

Communication between the HIARB and the Ministers should normally be through the President of the HIARB.

TEO AO is responsible for advising the relevant Ministers on a number of issues including the HIARB objectives and targets, budgets and performance.

In addition to being answerable to the Assembly as laid out in paragraph 2.4, the Ministers are also responsible for setting the HIARB's budget.

## **Annex 8 – Role of the Accounting Officers**

### **Roles and Responsibilities of the Accounting Officer in TEO and the Accounting Officer in DoJ**

#### **Overview of Responsibilities**

1. **TEO** has overall responsibility for the HIA Implementation Programme and, therefore, for policy and legislation on redress and the role of the HIARB. This includes responsibility for funding the Programme and, hence, for funding expenditure incurred by the HIARB. The HIARB sits within the TEO accounting boundary and is included within TEO's Annual Report and Accounts. TEO makes grants to DoJ of amounts as TEO determines for the purpose of funding:
  - the costs of exercising the administrative functions of the Board on behalf of the Board;
  - the awards of compensation paid to victims and survivors; and
  - costs and expenses incurred in connection with applications and appeals under Paragraph 10 of Schedule 1 to the Historical Institutional Abuse (NI) Act 2019 ("the Act").
2. Upon receipt of the relevant requests for funding from DoJ, TEO will (if it does not already hold the necessary funds to make the required grants of funds to DoJ) request the necessary funds from the Department of Finance (DoF). TEO will consult DoJ on any proposed changes to financial reporting or budget provisions to determine the impact of any proposed change.
3. The HIARB is a body corporate and operates independently from DoJ and TEO. TEO is responsible for sponsorship of the HIARB as an arm's-length body of TEO and for the sponsorship arrangements and financial accountability set out in the Partnership Agreement with the HIARB. All business cases relating to expenditure incurred by the HIARB under the Partnership Agreement are approved by the HIARB Management Board and TEO. TEO is responsible for the approval of staff requirements under Paragraph 6(1) of Schedule 1 to the Act.
4. TEO is responsible for responding to requests for information and briefing from the TEO Assembly Committee on the Redress Scheme and the operation of the HIARB.
5. DoJ is designated by TEO under Paragraph 3(1) of Schedule 1 of the Act to exercise the administrative functions of the HIARB on the Board's behalf. Paragraph 3(2) of Schedule 1 therefore requires DoJ to exercise these

administrative functions. In practice this is undertaken by the NI Courts and Tribunals Service within DoJ.

6. DoJ is responsible for the appointment of staff required for the HIARB (with approval of TEO as to numbers), securing adequate accommodation, IT equipment and services, security, and internal audit arrangements in relation to the NICTS HIA Administration Team.
7. DoJ is responsible for providing information and briefing to the DoJ Committee when requested, on matters relating to the administration of the Redress Scheme.

### **Accountability and assurance arrangements**

1. There are therefore three systems of internal control in operation and 3 lines of accountability for the Principle Accounting Officer (PAO):
  - a. TEO's systems of internal control support the AO of TEO, as PAO who is accountable to the Assembly for the public resources used for compensation payments and administration of the redress scheme. This responsibility includes ensuring regularity, propriety and value for money and adequate systems of control. Specifically, this includes an adequate legislative base, seeking necessary funding, overall financial accountability including for the HIARB's use of resources, and proper Arms Length Body sponsorship arrangements for a person-centred service. As the Permanent Secretary of TEO, the TEO AO is also under the direction and control of the First Minister and deputy First Minister for implementing their policy. In order that the PAO can exercise these responsibilities:
    - (i) the SAO of the HIARB is accountable to the PAO in carrying out the required functions as set out in the Partnership Agreement ensuring regularity, propriety and value for money and adequate systems of control. Specifically, this involves providing the PAO with quarterly assurance statements on the effectiveness of controls and management of risks; ALB accountability reports; and other returns as required;
    - (ii) DoJ provides the PAO with an annual assurance by letter as close as possible to the end of the financial year, that the appropriate controls, governance arrangements and management of risk are in place within NICTS, so far as they relate to the recharging of the HIARB staff, accommodation, panel member fees, office equipment, charges associated with the administrative functions of the Board and the redress compensation payments. The DoJ AO is accountable to the Assembly for these resources. The normal DoJ AO responsibilities, to the NI Assembly, are not in any way impinged upon by the terms of this MOU.

- b. The HIARB's system of internal control, supporting the SAO of HIARB, as set out in the Partnership Agreement and in line with relevant governance requirements. Through this system of control, the SAO provides assurance both to the PAO on maintaining a sound governance system that supports the achievement of departmental policies and aims and objectives whilst safeguarding the public funds and assets for which they are personally responsible, and to the President of the HIARB about overall organisation, management and staffing of the HIARB.
  - c. The DoJ's system of internal control for the totality of the business of DoJ, which is the responsibility of the DoJ AO, and supports him/her in providing assurance to the Justice Minister and Assembly on the governance of the Department, of which the NICTS HIA Administration Team is part of. The DoJ AO is personally responsible for safeguarding the public funds for which he/she has charge and for ensuring propriety and regularity in the handling of those public funds. As a senior DoJ member of staff, the HIARB SAO provides assurance on these issues through the usual DoJ assurance mechanisms.
2. These arrangements are illustrated graphically in Fig 1.
  3. TEO AO may be called to give evidence before the Public Accounts Committee (PAC) on the use and stewardship of public funds by the HIARB. TEO AO would normally attend with the SAO. The DoJ AO would only attend when matters relating to those aspects for which the DoJ/NICTS is responsible for are being discussed.
  4. All parties involved are responsible for the maintenance of effective relationships based on honesty, integrity, objectivity and impartiality and specifically through openness and transparency.

### **The role of the HIARB Senior Accountable Officer (SAO)**

5. Provide TEO with assurance of the effectiveness of systems of control and the management of risks within the HIARB. This to be achieved primarily but not exclusively by completing all necessary corporate governance returns including assurance statements, quarterly reports and other requests as may be required for this process.
6. Responsible for all financial reporting arrangements to TEO.
7. Responsible for maintaining a sound governance system that supports the achievement of departmental policies and aims and objectives whilst safeguarding the public funds and assets for which they are personally responsible.

8. Responsible for budget allocation in respect of:
  - Costs of exercising the administrative functions of the Board;
  - The awards of compensation;
  - Judicial and Non-Judicial Members fees and expenses.
9. The amounts the HIARB is required to pay in respect of legal costs and expenses incurred in connection with applications and appeals.

**The HIARB Senior Accountable Officer has 3 lines of accountability:**

10. They are directly accountable to the President of the HIARB for the overall organisation, management and staffing of the HIARB.
11. They are directly accountable to the TEO AO.
12. As a DoJ member of staff, they are accountable to the NICTS Chief Operating Officer in respect of line management responsibilities, in accordance with standard NICS policies.

**Planning and Monitoring**

13. The HIARB SAO is responsible for ensuring the establishment of the HIARB's corporate and business plans;
  - (a) Taking account of the Historical Institutional Abuse (NI) Act 2019 and work programme agreed by the First Minister and Deputy First Minister;
  - (b) Inform TEO of the progress in achieving the policy objectives and in demonstrating how resources are being used to achieve those objectives;
  - (c) Ensuring that quarterly forecasts and monitoring information on performance and finance are provided to TEO;
  - (d) That TEO is notified promptly if overspends or underspends are likely and that corrective action is taken;
  - (e) That any significant problems, whether financial or otherwise, and whether detected by internal audit or by other means, are notified to TEO in a timely fashion; and

- (f) Ensure that a system of risk management is maintained to inform decisions on financial and operational planning and to assist in achieving objectives and targets.

### **Managing Risk and Resources**

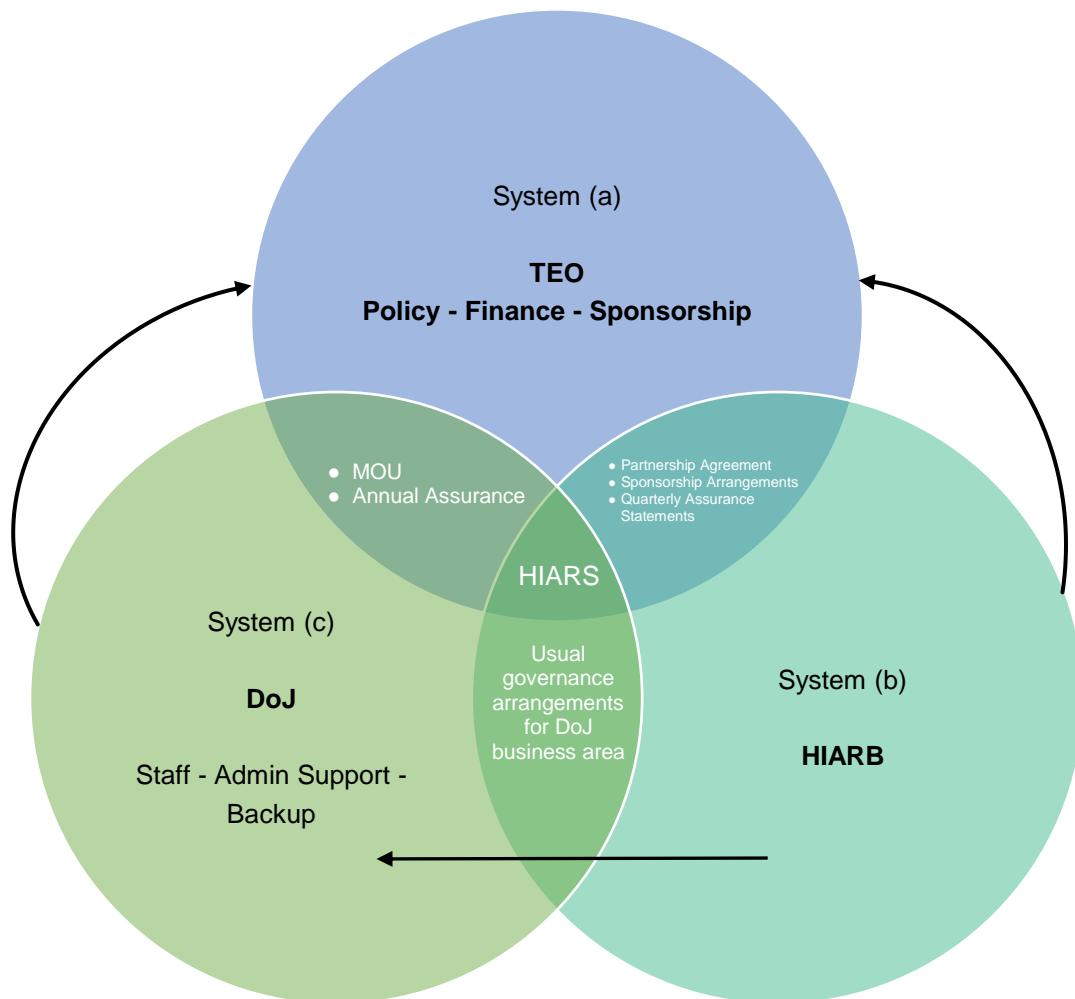
- 14. Ensuring that an effective system of programme and project management and contract management is maintained;
- 15. Ensuring that all public funds made available to the HIARB (including any approved income or other receipts) are used for the purpose intended by the NI Assembly, and that such monies, together with the HIARB's assets, equipment and staff, are used economically, efficiently and effectively;
- 16. Ensuring that adequate internal management and financial controls are maintained by the HIARB, including effective measures against fraud and theft;
- 17. Maintaining a comprehensive system of internal delegated authorities, which are notified to all staff, together with a system for regularly reviewing compliance with these delegations; and
- 18. Ensuring that effective NICS HR management policies are maintained.

### **Other Activities**

- 19. The HIARB SAO has responsibility for all the relevant matters in the Partnership Agreement in respect of the HIARB including:
  - (i) Ensuring that effective procedures for handling complaints about the HIARB are established and made widely known to its administrative staff;
  - (ii) Acting in accordance with the terms of this document and with the instructions and relevant guidance in the Partnership Agreement or MPMNI and other relevant instructions and guidance issued from time to time by TEO and DoF.
  - (iii) Accompany the AO of TEO, when summoned before the PAC on the use and stewardship of public funds by the HIARB;
  - (iv) Ensuring that an Equality Scheme is in place, reviewed and equality impact assessed as required by the Equality Commission and TEO;
  - (v) Ensuring that the requirements of the Data Protection Act 2018 are complied with; and
  - (vi) Ensuring that the requirements of the Freedom of Information Act 2000 are complied with.
  - (vii) Ensuring that the requirements of the Data Protection Act 2018 are complied with; and

- (viii) Ensuring that the requirements of the Freedom of Information Act 2000 are complied with.

**Figure 1**



**Annex 9 - Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice**



Partnerships  
between Department