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DAO (DFP) 10/15

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Dear Accounting Officer

PUBLIC ACCOUNTABILITY PROCESS: COMMENTING ON NIAO REPORTS, PAC REPORTS AND MATTERS UNDER CONSIDERATION BY PAC

Purpose

1. The purpose of this letter is to bring to the attention of Accounting Officers revised protocols that should be applied when dealing with the media on Northern Ireland Audit Office (NIAO) and Public Accounts Committee (PAC) reports, including comment on matters under consideration by the PAC.
2. As Accounting Officer, it is recommended that you ensure that appropriate arrangements are in place within your department, agencies and other sponsored bodies for handling such requests.
3. The previous guidance on commenting on NIAO reports, PAC reports and matters under consideration by PAC issued under DAO (DFP) 01/11 is now cancelled.

Background

4. In recent years, DFP Ministers have clearly expressed the view that sometimes there is a lack of balance and perspective in media reporting at various stages of the public audit process. Under the previous protocols, departments were expected to remain silent until the Assembly process was complete, while others were free to make public comment in the media which on occasions could be sensationalist in nature, unbalanced or not evidence-based. As a result, it has been determined that the protocols should be revised to address these issues.

General Principle

5. In the absence of specific guidance relating to the Assembly, the accepted convention is that the principles set out in the HMT “Guide to the scrutiny of public expenditure” of October 2004 should be followed. The agreed protocols for the handling of reports reflected that guidance, which is available on the AFMD website.
6. The general principle that no comment should be made, or that comments should be restricted until the audit and, where relevant, the Assembly process is complete, remains appropriate.
7. However, it is recognised that, on occasions, the headlines and criticisms portrayed in the media are not always evidence-based and do not always provide a fair and balanced view. It has therefore been determined that silence in these instances is no longer appropriate, and departments and public bodies should, on these occasions, make some public comment. This is acceptable, provided that certain protocols as described in this DAO are observed. Departments should note that any comment made is likely to be specifically drawn to the attention of the Public Accounts Committee.

NIAO Reports

8. NIAO reports are agreed reports and comment should therefore generally be confined to quoting material contained in the report itself (including expressions of departmental views), and correcting any mis-statements of fact or interpretation in media coverage. Any comments in these circumstances should also observe the long-standing convention that immediate comment should not be controversial. However, Ministers have the right to respond publicly to criticisms of policy as robustly as seems appropriate.
9. In addition, in a situation where there is a critical headline which focuses on one issue of the report without any attempt to offer a balanced assessment of the totality of issues being considered, Ministers should feel free to make comment in order to ensure that there is balance and perspective reflected in the media.
10. It remains important that any immediate comment on NIAO reports should not pre-empt or pre-judge any evidence which might be given at a subsequent PAC hearing. Likewise, comments should not anticipate what Ministers may say in response to any subsequent PAC report.

PAC Evidence Sessions and Consideration

11. While matters are under consideration by the PAC, the guiding principle again is that no comment should be made that might be considered to pre-empt or pre-judge either the PAC report or the subsequent Ministerial response.
12. However, if an Accounting Officer considers that, as a result of either adverse publicity such as that outlined above, or the demands of departmental business or a ministerial decision, such comment is necessary they should discuss the matter immediately with DFP. Accounting Officers for agencies, NDPBs and other arm's length bodies

should first consult with their Principal Accounting Officer before contacting DFP.

PAC Reports

13. As with an NIAO report, any comment should not pre-empt or pre-judge the final and considered reply to any report, which must first be given to the Assembly. Again however, in instances where press releases and publicity surrounding PAC reports appears to seek to sensationalise certain aspects of these reports rather than provide a balanced view of the Committee's deliberations, or where conclusions have been drawn by the Committee which are not evidence-based, Ministers should feel free to challenge robustly the Committee's opinions when they consider them to be unjustified or overstated.

Conclusion

14. To be clear, while this revised guidance provides more flexibility for departments to make comments in the media on public audit business, it still remains broadly in line with the position back in 1990. At the time, the then Lord President wrote to the chairman of the Liaison Committee in Parliament setting out the UK Government's understanding of the position (which still remains the formal position). In that, he stated:

“Ministers have a right to respond publicly to criticisms of the Government as robustly as seems appropriate: this would include criticisms in the Committee's report itself, inaccuracy or misstatement in media reporting, or public criticisms made by individual committee members;

It is not the Government's intention that recommendations in Committee reports should be subject to snap response without detailed Government assessment. Nonetheless, ministers would feel free to respond immediately to certain recommendations either

positively or negatively, where the Government's position was established and clear, or where an early response was needed in order to influence fast moving events".

15. I would be grateful if you would draw this guidance to the attention of relevant business areas in your department and your agencies, NDPBs and sponsored bodies. If you have any particular areas of concern about the media handling of public audit business, you should consult with Julie Sewell in DFP on ext 68276 (028 91858276), who will be happy to discuss possible responses to individual reports with departments and public bodies.

A handwritten signature in blue ink that reads "Jack Layberry". The signature is written in a cursive style with a large initial 'J'.

JACK LAYBERRY
Treasury Officer of Accounts

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