



Northern  
Ireland  
Office

**IRC** Independent  
Reporting  
Commission

# Framework Document

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## **INTRODUCTION AND BACKGROUND**

### **1. Purpose of Document**

1.1 This framework document has been agreed between the Northern Ireland Office (NIO) and the Independent Reporting Commission (IRC) in accordance with HM Treasury's handbook *Managing Public Money (MPM)* as updated from time to time and has been approved by HM Treasury.

1.2 It sets out the broad governance framework within which the IRC and the NIO operates and documents the IRC's core responsibilities as well as the governance and accountability framework that applies between the NIO and IRC and how the day-to-day relationship between them works in practice including in relation to governance and financial matters.

1.3 The document does not convey any legal powers or responsibilities (but both parties agree to operate within its terms) nor is it intended to limit or encroach on the Commission's operational autonomy, including how it carries out its statutory functions at arms-length from UK Government.

1.4 References to the IRC include any subsidiaries or joint ventures that are classified to the public sector and central government for national accounts purposes. If the IRC establishes a subsidiary or joint venture, there shall be a document setting out the arrangements between it and the IRC agreed with the NIO.

1.5 Copies of the document and any subsequent amendments have been placed in the libraries of both Houses of Parliament and made available to members of the public on the IRC website and GOV.UK.

1.6 This framework document should be reviewed and updated every 3 years and immediately after any review of the IRC's status, unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the Principal Accounting Officer of the sponsor department. The NIO will manage the provision of amendments, which will be agreed with the IRC. The latest date for review and updating of this document is 31 August 2025.

### **2. Objectives**

2.1 The IRC has been established jointly by the UK Government and the Government of Ireland. The IRC's objective is to promote progress towards ending paramilitary activity connected with Northern Ireland, supporting long term peace and stability in society and a stable and inclusive devolved Government in Northern Ireland. The Northern Ireland Office acts as the UK sponsor for the IRC, and the body's work includes reporting on the activities of the UK Government relevant to tackling paramilitarism, as well as work led by the NI Executive and Irish Government.

### **3. Classification**

3.1 The IRC has been established in statute by the UK Government as a corporate body (and likewise the Irish Government).

3.2 For administrative purposes, it is treated as an Executive Non-Departmental Public Body of the NIO for UK accounting purposes.

## **PURPOSES, AIMS AND DUTIES**

### **4. Purposes**

4.1 The Commission's objective is to promote progress towards ending paramilitary activity connected with Northern Ireland, supporting long term peace and stability and a stable and inclusive devolved Government in Northern Ireland.

### **5. Powers and Duties**

5.1 The IRC was established under an International Treaty ("The Treaty") signed by the UK and Irish Governments on 13 September 2016. The Commission's powers and duties stem from the UK Government's Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 and the Irish Government's Independent Reporting Commission Act 2017.

### **6. Aims**

6.1 The statutory functions of the Commission are to:

- report annually on progress towards ending continuing paramilitary activity connected with Northern Ireland (or on such further occasions as jointly requested by the Government of the United Kingdom and the Government of Ireland);
- report on the implementation of the relevant measures of the Government of Ireland, the Government of the United Kingdom, and the Northern Ireland Executive;
- consult the UK Government, the Government of Ireland, relevant law enforcement agencies, statutory agencies, local councils, communities and civic society organisations; and
- consult other stakeholders in accordance with the Treaty; and make recommendations to the Northern Ireland Executive in order to inform the Programme for Government priorities and commitments.

6.2 In exercising its functions, the Commission must not do anything which might:

- prejudice the national security interests of the United Kingdom or Ireland;

- put at risk the life or safety of any person;
- have a prejudicial effect on the prevention, investigation, detection or prosecution of crime; or
- have a prejudicial effect on any actual or prospective legal proceedings.

## GOVERNANCE AND ACCOUNTABILITY

### 7. Governance and Accountability

7.1 The IRC shall operate corporate governance arrangements that, so far as practicable and in the light of other provisions of this framework document or as otherwise may be mutually agreed, accord with good corporate governance practice and applicable regulatory requirements and expectations.

7.2 In particular (but without limitation) the IRC should:

- comply with the principles and provisions of the *Corporate Governance in Central Government Departments Code of Good Practice* (as amended and updated from time to time) to the extent appropriate and in line with their statutory duties or specify and explain any non-compliance in its annual report;
- comply with *Managing Public Money*;
- have regard to the relevant Functional Standards, in particular those concerning Finance, Commercial and Counter Fraud, as appropriate; and
- take into account the codes of good practice and guidance set out in **Appendix 1** of this framework document, as they apply to ALBs.

7.3 In line with *Managing Public Money* Annex 3.1, the IRC shall provide an account of corporate governance in its annual governance statement including an assessment of its compliance with the Code with explanations of any material departures. To the extent that the IRC does intend to materially depart from the code, the NIO should be notified in advance.

## ROLE OF THE DEPARTMENT

### 8. The Responsible Minister

8.1 The Secretary of State for Northern Ireland, is accountable to Parliament for all matters concerning the IRC. They may delegate responsibility for day-to-day matters to the Minister of State for Northern Ireland (MoS).

8.2 Ministers' statutory powers in respect of the IRC include:

- appointing the UK Government Commission member and the NI Executive nominated Commission Members as specified in the International Treaty;
- overseeing the policy and resources framework within which the UK Joint Secretariat is required to operate; and
- paying the UK Secretariat such sums, through grant-in-aid grant or other funds, as deemed appropriate for meeting the IRC's expenditure and securing Parliamentary approval.

### **Appointments to the Commission**

8.3 Appointment of Commissioners is made under Article 6 of the International Treaty. The Commission shall consist of four members of which:

- one member shall be nominated by the Government of Ireland
- one member shall be nominated by the UK Government; and
- two members shall be nominated by the Northern Ireland Executive

8.4 The nominated UK Government Commission member and the two members nominated by the Northern Ireland Executive shall be appointed by the SoS. Commissioners are appointed for a period of up to three years with terms and conditions set out in the respective letters of appointment.

8.5 The NIO has designated the UK Joint Secretary as Accounting Officer (AO).

### **9. The NIO Principal Accounting Officer**

9.1 The Principal Accounting Officer (PAO) is the Permanent Secretary of the NIO.

#### **NIO Accounting Officer's Specific Accountabilities and Responsibilities**

9.2 The PAO of the NIO designates the UK Government appointed Joint Secretary as the Commission's Accounting Officer (AO) and ensures they are fully aware of their responsibilities. The AO's responsibilities and delegated authorities are set out in a letter of appointment from the PAO.

9.3 The respective responsibilities of the PAO and AO's are set out in Chapter 3 of *Managing Public Money*.

9.4 The PAO is accountable to Parliament for the issue of any grant-in-aid to the IRC.

9.5 The PAO is also responsible for advising the responsible minister on:

- how the IRC's strategic aims and objectives contribute to the wider strategy and priorities of the NIO;
- an appropriate budget for the UK Secretariat in light of the sponsor department's overall public expenditure priorities;
- how well the IRC is achieving its strategic objectives and whether it is delivering value for money; and
- the exercise of the minister's responsibilities concerning the IRC as outlined above.

9.6 The PAO, via the sponsorship team, is also responsible for ensuring arrangements are in place in order to:

- monitor the IRC's activities on a continuing basis, ensuring that such oversight is relevant and proportionate to the risks posed to NIO by the Commission's business;
- address significant problems in the governance or management of the IRC, making such interventions as are judged necessary;
- support the development of positive and effective working relationships between the IRC and the NIO, ensuring that the stewardship relationship is tailored and proportionate to the needs of both organisations;
- periodically, and at such frequency as is proportional to the level of risk, carry out an assessment of the risks both to the NIO and IRC objectives and activities in line with the wider departmental risk assessment process;
- inform the IRC of relevant new or revised government policies in a timely manner; and
- bring concerns about the activities of the IRC to the UK Joint Secretary, requiring explanations and assurances that appropriate action has been taken.

## **10. The role of the NIO Sponsorship Team**

10.1 The senior sponsor in the NIO is the Deputy Director with responsibility for oversight of funding made available for the work of the UK Secretariat and the primary contact within the department for the IRC. The sponsor is the main source of advice and support to the responsible minister and the PAO on the discharge of their responsibilities in respect of the Commission. The sponsor oversees the working relationship between the NIO and the IRC and, with other NIO teams, secures the necessary financial, management and corporate information required to monitor the IRC's performance.

10.2 Accountability meetings will take place quarterly between the sponsor and the Commission's Accounting Officer. These meetings are the means by which performance, financial performance and the financial position of the Commission are

evaluated.

10.3 The NIO sponsor team and finance team will liaise regularly with the Accounting Officer to review the Commission's financial performance against plans, achievement against its targets and the expenditure against its DEL and AME allocations. All parties agree to communicate openly and often on an informal basis, ensuring 'no surprises' in their dealings with each other. Arrangements for dealing with urgent issues and problems will be agreed between the NIO and the Accounting Officer with the sponsor team Deputy Director being kept informed of any developments in this regard.

## **11. Resolution of disputes between the IRC and the NIO**

11.1 Any disputes between the NIO and the IRC will be resolved in as timely a manner as possible. In such circumstances the NIO will discuss with relevant officials in the Secretariat, escalating to senior levels within NIO, the Commission and other stakeholders such as the Irish Government and the Northern Ireland Executive as appropriate.

11.2 The framework outlined above and the application of NIO risk management procedures by the Commission should be sufficient to avoid the need for NIO intervention in the affairs of the Commission. There may, however, be a need for intervention in circumstances where:

- there are early indications that a risk of material failure may occur in the Commission and the judgement of the NIO is that additional input is needed to prevent the risk materialising;
- external or NIO decisions mean that the activities need to be transferred, altered or stopped quickly;
- operational performance is compromised and the risk to the NIO requires urgent intervention;
- the financial performance of the Commission is deteriorating and NIO have concerns about the adequacy of financial control; or
- an adverse situation arises and it appears that the attention of the NAO is likely – this could include a situation beyond poor financial control, poor performance or issues relating to regularity or propriety.

## **12. Freedom of Information Requests**

12.1 Where a request for information is received by either party under the Freedom of Information Act 2000 or the Data Protection Act 1998 or 2018, the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibility.

12.2 The IRC will maintain a central monitoring record of FOI and DPA requests received and answered. The NIO may require this information for inclusion in departmental statistical returns.

### **13. Reporting on legal risk and litigation**

13.1 The IRC shall notify the sponsor of the existence of any active litigation and any threatened or reasonably anticipated litigation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the sponsor in a timely manner.

13.2 In respect of each substantial piece of litigation involving the IRC, the parties will seek to agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:

- material developments in the litigation are communicated to the sponsor in an appropriate and timely manner;
- any legally privileged documents and information shared are clearly marked as such and individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege; and
- circulation of privileged information within government will only occur if consent is given by the IRC.

## **GOVERNANCE STRUCTURE**

### **14. The UK Joint Secretary**

#### ***Responsibilities of the UK Joint Secretary as Accounting Officer***

14.1 The NIO PAO has designated the UK Joint Secretary as the Commission's Accounting Officer (AO) with responsibilities as set out in *Chapter 3 of Managing Public Money*. The UK Joint Secretary as AO is personally responsible for safeguarding the public funds for which they have charge, for ensuring propriety and regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the IRC. In addition, they should ensure that the IRC as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in Chapter 3.3 of *Managing Public Money*, this Framework Document and the annual delegation letter from the NIO PAO. These responsibilities include those set out below and in the AO appointment letter issued by the NIO PAO.

#### ***Responsibilities for accounting to Parliament***

14.2 As AO, the UK Joint Secretary's responsibilities to Parliament include:

- overseeing preparation of and signing the IRC accounts, ensuring that proper records are kept relating to those accounts, and ensuring that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State;
- as Consolidation Officer preparing the IRC consolidation information and complying with the requirements set out in HM Treasury guidance on preparing *Whole of Government Accounts*;
- preparing and signing of an annual report and accounts, including a governance statement covering corporate governance, risk management and other reporting areas as outlined in HMT guidance.;
- ensuring that effective procedures for handling complaints about the IRC are established and made widely known within the IRC;
- acting in accordance with the terms of this document, *Managing Public Money* and other instructions and guidance issued from time to time by NIO, the Treasury and the Cabinet Office;
- ensuring that the Commission operates within legislation governing its operations, this framework document, any delegation letter issued to the body, and elements of any settlement letter issued to the sponsor department that have been communicated to the IRC;
- ensuring they have appropriate internal mechanisms for monitoring, governance and external reporting regarding non-compliance with any conditions arising from the above documents; and
- giving evidence, normally with the PAO, if summoned before the Public Accounts Committee, on the IRC's stewardship of public funds made available by the UK Government.

### ***Responsibilities to the NIO***

14.3 Responsibilities to the NIO include:

- providing the IRC's corporate and annual business plans;
- informing the NIO of progress against plans including how resources are being used to achieve those objectives;
- ensuring that the NIO is provided with timely forecasts and monitoring information on performance and that the NIO finance business partner is notified of likely over or under spends (and of corrective action taken) or of any other significant financial or other problems in a timely fashion; and

### ***Responsibilities to the Commission***

14.4 The UK Joint Secretary's responsibilities to the Commission include:

- advising the Commissioners on the discharge of the IRC's responsibilities as set out in this document, the founding legislation and in any other relevant instructions and guidance that may be issued from time to time;
- advising the Commissioners on the IRC's performance against its aims and objectives, and assisting the Commissioners in the development of and oversight of the Commission's strategic direction;
- promoting the efficient and effective use of resources and ensuring that financial considerations are taken fully into account at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed; and
- delivering high standards of regularity and propriety.

### ***Managing Complaints***

14.5 Where complaints are received about the Commission or matters within its remit, the NIO will refer these to the Commission to deal with. The NIO retains the authority, however, to manage a complaints process directly in the most serious cases where the members nominated by the NI Executive, the UK Commissioner or the UK Secretariat are involved. Complaints about the personal conduct of the Commissioners will be considered by the nominating authority as necessary. If the nominating authority decides the complaint should be investigated, the authority will appoint an independent person to investigate and make recommendations to resolve the complaint. NIO Ministers will be consulted on the outcome and before any action is agreed or taken.

### ***Managing Conflicts***

14.6 The UK Joint Secretary should follow the advice and direction of the Commissioners, except in very exceptional circumstances with a clear cut and transparent rationale for not doing so.

14.7 If the Commission is contemplating a course of action involving a transaction using UK Government funding which the Secretary considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility or is unethical, the Secretary in their role as AO should reject that course of action and ensure that the Commission have a full opportunity to discuss the rationale for that rejection.

14.8 Such conflicts should be brought to the attention of the PAO via the senior sponsor and the responsible minister as soon as possible.

14.9 Furthermore, and if agreed with the responsible minister, the AO must write a letter of justification to the Commissioners setting out the rationale for not following their advice and copy that letter to the NIO PAO.

14.10 If the responsible minister agrees with the proposed course of action of the Board it may be appropriate for the minister to direct the AO in the manner set out in *Managing Public Money*.

## **15. The Commission**

### ***Composition of the Commission***

15.1 The Commission will operate in line with good standards of corporate governance and as set out in its establishing statute and the guidance at **Appendix 1**. The Commission shall consist of four members of which:

- one member shall be nominated by the Government of Ireland;
- one member shall be nominated by the UK Government; and
- two members shall be nominated by the Northern Ireland Executive.

## **16. Responsibilities of the Commission**

16.1 The Commission's responsibilities should be exercised in light of the duties and responsibilities as set out in the statutory authority governing the IRC, this framework document and the documents and guidance referred to within this document.

16.2 The Commission is also responsible for ensuring that:

- establishing and taking forward the strategic aims and objectives of the Commission consistent with its overall strategic purpose and within the resources framework determined by the Secretary of State;
- the responsible minister is kept informed of any changes which are likely to impact on the strategic direction of the Commission or on the attainability of its targets, and determining the steps needed to deal with such changes;
- effective arrangements are in place to provide assurance on risk management, governance and internal control and that the Commission's affairs are conducted with probity;
- any statutory or administrative requirements for the use of public funds are complied with; that the Commission operates within the limits of its statutory authority and any delegated authority agreed with the Department, and in

accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Commission takes into account guidance issued by the Department;

- high standards of corporate governance are applied in line with the *Corporate Governance Code of Good practice*.

16.3 The Commission will ensure that effective internal systems and controls are in place to comply with NIO Information Assurance and Information Security policies.

## **17. Individual Commissioner Responsibilities**

17.1 Individual Commissioners should:

- comply at all times with their terms of appointment, the Commission's Code of Governance, rules relating to conduct in the role, the use of public funds, and to conflicts of interest;
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
- comply with NIO guidance on the provision and acceptance of gifts and hospitality, use of external consultants, data handling and of business appointments, and all other relevant NIO or UK Government guidance. To that end, the Commission shall maintain a written register of interests which will be available for inspection by the NIO sponsor team, NIO internal audit service, external auditors and the public. The Commission, the Secretariat and others engaged on the Commission's business (including contractors or consultants) should declare any potential conflict of interest and take appropriate steps to deal with such a conflict, as set out in the Commission's Code of Governance; and
- act in good faith and in the best interests of the IRC.

### ***Role of the Secretariat***

17.2 The Secretariat exists to support the Commission in the discharge of its functions. It has no separate persona. In practice, the Secretariat will act on behalf of the Commission under its delegated authority.

17.3 The Secretariat is headed by the joint Secretaries, appointed separately by the UK Government and Irish Government. The UK joint Secretary is also the Commission's Accounting Officer (see para 3.3), and shall ensure that the affairs of the Commission are conducted with due probity in line with the requirements of *Managing Public Money* and adhere to all financial and governance policies, processes and guidance set by the NIO and HM Treasury governing expenditure. **Annex A** provides a list of relevant guidance.

17.4 The NIO has designated the UK joint Secretary to be the designated Accounting Officer. Whilst the joint Secretaries have an equal and collective leadership responsibility, as the Accounting Officer the UK joint Secretary is specifically responsible, in respect of funds provided by the UK Government,

## **MANAGEMENT AND FINANCIAL RESPONSIBILITIES**

### **18. Delegated Authorities**

18.1 The IRC delegated authorities are set out in the delegation letter issued annually by the NIO PAO attached at **Appendix 2**. This delegation letter may be updated and superseded by later versions which may be issued by the sponsor department in agreement with HM Treasury.

18.2 In line with *Managing Public Money Annex 2.2*, these delegations will be reviewed on an annual basis.

18.3 The IRC shall obtain the NIO'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 IRC's annual budget as approved by the NIO;
- 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 the NIO;
- 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; and
- carrying out policies that go against the principles, rules, guidance and advice in *Managing Public Money*.

### **19. Spending Authority**

19.1 Once the budget has been approved by the sponsor department, and subject to any restrictions set out in the delegation letter, the IRC shall have authority to incur expenditure approved in the budget without further reference to the sponsor department except with regard to the conditions outlined in para 18.

### **20. Banking and Managing Cash**

20.1 The IRC does not make use of commercial banking services.

## 21. Procurement

21.1 The IRC shall ensure its procurement practices are consistent with Government guidance, and comply with any relevant UK or international procurement, in particular the Public Contracts Regulations 2015, including *Annex 4.6 of Managing Public Money*, and NIO procurement guidelines and policies.

21.2 Where likely to exceed its delegated authority limit, procurement strategy approval for the specific planned purchase must be sought from the NIO Sponsor Team.

21.3 Goods, services and works should be acquired in line with the appropriate procurement action. Proposals to let single tender or restricted contracts shall be limited and exceptional and a quarterly report explaining those exceptions should be sent to the department; and

21.4 Procurement by IRC of works, equipment, goods and services shall be based on a full option appraisal and value for money i.e the optimum combination and whole life costs and quality.

21.5 The IRC shall:

- engage fully with department and government wide procurement initiatives that seek to achieve value for money from collaborative projects;
- comply with all relevant Procurement Policy Notes issued by Cabinet Office; and
- co-operate as appropriate wherever possible with initiatives to improve the availability of procurement data to facilitate the achievement of value for money.

21.6 The IRC shall comply with relevant functional standards. These standards apply to the planning, delivery and management of government, commercial activity, including management of grants in all departments and ALBs, regardless of commercial approach used and form part of a suite of functional standards that set expectations for management within government.

## 22. Risk management

22.1 The IRC shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and shall develop a risk management strategy, in accordance with the current HM Treasury guidance, *Management of Risk: Principles and Concepts* and NIO policies, including a reference to risk in the Governance Statement. Risks should be subject to regular review at accountability meetings and, where the risk is capable of impacting on the NIO itself, escalated to the NIO as appropriate.

## **23. Counter Fraud and Theft**

23.1 The IRC should adopt and implement policies and practices to safeguard itself against fraud and theft.

23.2 The IRC should act in line with guidance issued by the Counter Fraud Function and in compliance with the procedures and considerations as set in in *Managing Public Money Annex 4.9* and the Counter Fraud Functional Standard. It should also take all reasonable and proportionate steps to appraise the financial standing of any firm or other body with which it intends to enter a contract or to provide grant or grant-in-aid.

23.3 The IRC should keep records of and prepare and forward to the NIO an annual report on fraud and theft suffered by the IRC and notify the sponsor department of any unusual or major incidents as soon as possible. IRC should also report detected loss from fraud, bribery, corruption and error, alongside associated recoveries and prevented losses, to the counter fraud centre of expertise in line with the agreed government definitions as set out in Counter Fraud Functional Standard.

## **24. IRC Staff**

### ***Broad responsibilities for staff***

24.1 Subject to the provisions of its statutory authority, and within the arrangements approved by the NIO, the Commission will have responsibility for the recruitment, retention and motivation of its staff. To this end the UK Joint Secretary, in relation to UK Secretariat Staff, must ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on merit; there is no discrimination against employees with protected characteristics under Section 75 of the Northern Ireland Act 1998;
- the IRC is meeting the legal responsibilities to pay due regard to the public sector equality duty including carrying out proportionate equality impact assessments where appropriate;
- the level and structure of its staffing including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
- the performance of its staff at all levels is satisfactorily appraised in line with parent department requirements;
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the IRC's objectives;
- adequate grievance and disciplinary procedures are in place;

- whistle-blowing procedures consistent with the Public Interest Disclosure Act 1998 are in place; and
- it complies with all relevant statutory requirements.

24.2 The UK Secretariat and NIO are committed to promoting and maintaining good communication between staff at all levels. Staff will continue to be consulted on developments which involve or affect them.

### ***Staff costs***

24.3 The UK Joint Secretary will keep staffing levels in the UK Secretariat under review to ensure that the level and structure, including grading and staff numbers, are appropriate to the Commission's functions and requirements of economy, efficiency and effectiveness.

### ***Pay and conditions of service***

24.4 IRC staff will normally be seconded from the UK Civil Service or the Northern Ireland Civil Service. The terms and conditions, including pay arrangements, for each member of the UK Secretariat will be set out in their secondment agreement. Generally, the terms and conditions of service of their parent department shall apply for the period of the secondment.

24.5 The sponsor team will assist the UK joint Secretary as required in the recruitment of staff to the Secretariat and, where requested, personnel matters.

### ***Pensions, redundancy and compensation***

24.6 IRC staff shall be eligible for pensions and compensation schemes under the contractual arrangements of their home organisation. Compensation scheme rules and pension scheme rules should reflect legislative and HM Treasury guidance requirements regarding exit payments.

## **BUSINESS PLANS, FINANCIAL REPORTING AND MANAGEMENT INFORMATION**

### **25. Business Plans**

25.1 The IRC shall produce and submit annually to the NIO a business plan which should demonstrate how it will achieve its statutory duties, and within those duties, any priorities agreed with the NIO in light of the wider public expenditure decisions and strategic aims.

25.2 The plan should include key performance measures for the discharge of the Commission's functions. All financial commitments contained in the plan should be within the limits of the agreed ring-fenced annual budget.

25.3 Subject to any commercial considerations, the business plan should be published by the IRC on their website and separately made available to staff.

25.4 The annual business plan should also include a budget of estimated payments and receipts together with a profile of expected expenditure. This profile should be updated throughout the year and any significant deviations should be explained to the sponsor team through the departmental budget monitoring procedures.

25.5 The plan must also include the following:

- key objectives and associated key performance measures and the strategy for achieving those objectives;
- a review of performance in the preceding financial year together with comparable outturns for prior years and an estimate of performance in the current year;
- an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast; and
- other matters as agreed by the NIO and the IRC.

## **26. Budgeting Procedures**

26.1 Each year, the NIO will send to IRC:

- a formal statement of the annual budgetary provision allocated by the department in the light of competing priorities across the department and of any forecast income approved by the department; and
- a statement of any planned change in policies affecting IRC.

26.2 The IRC's annual business plan will take account both of approved funding provision and any forecast receipts. It will include a profile of expected expenditure and of draw-down of any departmental funding and/or other income over the year. These elements form part of the IRC's business plan for the year in question.

## **27. Grant-in-aid and any ring-fenced grants**

27.1 Any grant-in-aid provided by the department for the year in question will be voted in the NIO's supply estimate and be subject to parliamentary control.

27.2 Grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. The IRC will comply with the general principle that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds shall be kept to a minimum level consistent with the efficient operation of the IRC. Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by

Parliament of the relevant Estimates provision, where grant-in-aid is delayed to avoid excess cash balances at year-end, the NIO will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year-end, such as creditors.

27.3 In the event that NIO provides the IRC separate grants for specific (ring-fenced) purposes, it will issue the grant as and when the IRC needs it on the basis of a written request. The IRC will provide proportionate evidence that the grant will be used for the purposes authorised by the NIO. The IRC shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

## **28. Annual Report and Accounts**

28.1 The IRC must publish an annual report of its activities together with its audited accounts after the end of each financial year. The IRC shall provide the NIO with its finalised accounts and consolidation information as appropriate within the timetable issued by the NIO Finance team each year. The IRC should also submit a draft of the annual report to NIO two weeks before the proposed publication date. The accounts should be prepared in accordance with relevant statutes and specific accounts direction issued by the department as well as the Treasury's Financial Reporting Manual.

28.2 The Annual Report must:

- comply with all relevant financial reporting requirements including HM Treasury's Financial Reporting Manual (FReM);
- comply with any requirements set out in the founding legislation; and
- outline main activities and performance during the previous financial year and set out in summary form any forward plans.

28.3 Information on performance against key financial targets is included within the annual report and subject to the auditor's consistency opinion. The report and accounts shall be laid in Parliament by the Secretary of State and made available on the IRC website, in accordance with HM Treasury directions and any other relevant guidance or procedures.

## **29. Reporting performance to the NIO**

29.1 The Commission shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans.

29.2 The IRC shall inform the NIO of any changes that make achievement of objectives more or less difficult.

29.3 The responsible minister will meet with the Commission at least twice a year to discuss Commissioners performance and current issues.

29.4 The senior sponsor will meet with the UK Joint Secretary at least once a year.

### **30. Information Sharing**

30.1 The department has the right of access, subject to legal privilege and data protection requirements and The Treaty, to all appropriate IRC corporate records and personnel information for any purpose required to discharge the obligations of the NIO and PAO including, for example, sponsorship audits and operational investigations and for any other purpose subject to the agreement of the IRC's Accounting Officer.

30.2 The Commission shall provide the sponsor department with such corporate information about its performance and expenditure as the sponsor department may reasonably require.

30.3 The department and HM Treasury may request the sharing of data held by the IRC in such a manner as set out in the central guidance except insofar as it is prohibited by law. This may include requiring the appointment of a senior official to be responsible for the data sharing relationship.

30.4 As a minimum, the NIO and IRC will share information monthly that will enable both parties to satisfactorily monitor:

- IRC cash management;
- drawn-down of grand-in-aid;
- forecast outturn by resource headings;
- other data required for the Online System for Central Accounting and Reporting (OSCAR); and
- data as required in respect of its compliance with any Cabinet Office Controls pipelines or required in order to meet any condition as set out in any settlement letter.

## **AUDIT**

### **31. Internal Audit & Assurance**

31.1 The Commission has decided to use the services of the NIO Audit & Risk Committee, which has independent membership and complies with the requirements set out in HM Treasury's *Audit and Risk Assurance Committee Handbook*. Under these arrangements, the Commission may also avail of the NIO's internal audit services that are currently provided by Government Internal Audit Agency (GIAA).

31.2 The NIO, when developing its Annual Internal Audit Plan will engage with the UK joint Secretary to consider if GIAA should undertake any internal audits in the reporting period. Any such audits conducted by GIAA will be owned and managed by the IRC Secretary and reported to the NIO Audit & Risk Committee.

31.3 The Commission shall keep records of, and prepare and forward to the NIO, including the NIO Audit & Risk Committee, an annual report on fraud and theft suffered by the Commission and notify the NIO of any unusual or major incidents as soon as possible.

31.4 The Commission shall establish suitable working relationships with colleagues in the NIO to ensure that advice on audit matters can be obtained flexibly so that issues can be avoided through timely remedial action.

31.5 GIAA shall be given access to all management records and to any other records they require to carry out their role, subject to the same requirements as set out in paragraph 30.1 above and the requirements of The Treaty.

## **32. External Audit**

32.1 The Comptroller and Auditor General (C&AG) audits the IRC annual accounts.

32.2 The C&AG:

- will consult with the NIO and IRC on whom – the NAO or a commercial auditor – shall undertake the audits(s) on their behalf, though the final decision rests with the C&AG;
- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, held by another party in receipt of payments or grants from the IRC;
- will share with the NIO information identified during the audit process and the audit report (together with any other outputs) in particular on issues impacting the NIO responsibilities in relation to the financial systems within the IRC; and
- will consider requests from departments and other relevant bodies to provide regulatory compliance reports and other similar reports at the commencement of the audit. Consistent with the C&AG's independent status, the provision of such reports is entirely at the C&AG's discretion.

32.3 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the IRC has used its resources in discharging its functions. For the purpose of these examinations, the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the IRC shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations and shall use its best endeavours to secure

access for the C&AG to any other documents required by the C&AG which are held by other bodies.

### **Parliamentary Business**

32.4 When replying to a Parliamentary Question or speaking in a Parliamentary debate on an issue that falls within the remit of the Commission, the responsible UK Minister will either request that the Commission respond directly or, if information is provided, the Minister will make it clear that they are answering on behalf of the Commission and on the basis of information supplied by the Commission. The Commission will provide such information and, where necessary, advice in a timely manner and to the best of its ability.

## **REVIEWS AND WINDING UP ARRANGEMENTS**

### **33. Review of IRC's status.**

33.1 The UK Government has committed to review all non-departmental public bodies (NDPBs), executive agencies and non-ministerial departments at least once in the lifetime of each Parliament. These administrative reviews are conducted in line with guidance issued by the Cabinet Office, which has responsibility for classifying public bodies.

33.2 As the Commission has been established under an International Treaty for a defined period, it will be exempt from the normal review process.

### **34. Arrangements in the event that the IRC is wound up**

34.1 The Secretary of State for Northern Ireland may, by regulations, make provision for winding up the Commission after consulting officeholders specified in the Treaty and by mutual agreement with the Irish Government to terminate that Treaty. Once such regulations are made, the NIO shall put in place arrangements to ensure the orderly winding up of the IRC. In particular, it should ensure that the assets and liabilities of the IRC are passed to any successor organisation and accounted for properly. In the event there is no successor organisation, the assets and liabilities will revert to the NIO who will make arrangements for the effective winding-up and closing of accounts.

34.2 To this end, the department shall:

- have regard to Cabinet Office guidance on winding up of ALBs;
- ensure that procedures are in place in the IRC to gain independent assurance on key transactions, financial commitments, cash flows and other corporate information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body;

## Independent Reporting Commission: Framework Document

- specify the basis for the valuation and accounting treatment of IRC assets and liabilities;
- ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit and that, for non-crown bodies funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in parliament, together with his report on the accounts; and
- arrange for the most appropriate person to sign the closing accounts. In the event that the department inherits the role, responsibilities, assets and liabilities, the sponsor department's AO should sign.

34.3 The IRC shall provide the department with full details of all agreements entered into and should also pass to the department details of any forms of claw-back due to the IRC.

Signed   
JAMES CRAWFORD

Date 25 January 2023

(On behalf of the NIO)

Signed   
CHRIS ATKINSON  
UK Joint Secretary

Date 19 January 2023

(On behalf of the Commission)

## GENERAL GUIDANCE

Current guidance with which the Commission must comply:

- This Framework Document and any other specific instructions and guidance issued by the NIO as sponsor department or by central departments;
- Appropriate sections of Corporate Governance in Central Government Departments: [Code of Practice for Public Bodies](#)
- [Code of conduct for Board members of public bodies](#)
- Relevant sections of [Public Bodies: A Guide for Departments](#)
- [The Parliamentary and Health Service Ombudsman's Principles of Good Administration](#)
- Relevant Freedom of Information Act guidance published by the Information Commissioner's Office [[guide-to-freedom-of-information](#)];
- [Managing Public Money](#)
- [Government Financial Reporting Manual \(FrEM\)](#)
- [Relevant Government Functional Standards](#)
- [Relevant Dear Accounting Officer letters](#)
- [Public Sector Internal Audit Standards](#)
- [Management of Risk: Principles and Concepts](#)
- [Guide to managing fraud for public bodies.](#)
- [Tacking Fraud, issued by the Treasury](#)
- [Cabinet Office Control Limits](#); and
- Recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to the Commission.



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28 July 2022

## **Delegated Authority Letter – Independent Reporting Commission**

Dear Chris,

This letter sets out the Independent Reporting Commission delegated authorities and budget from the Northern Ireland Office for the 2022/23 financial year. It should be read in conjunction with the Settlement Letter you received following the conclusion of Spending Review 2021 (dated 17th December 2021). In addition, I attach a formal delegation letter in line with HMT guidelines at Annex 2.

Where applicable this letter supersedes any relevant content in your Framework Document, which will now be renewed as necessary by your sponsor team.

It also sets out the Independent Reporting Commission responsibilities in regards to how these funds are used and your necessary responsibilities to me as the departmental Principal Accounting Officer.

As the Principal Accounting Officer, I am pleased to confirm that your agreed budget for 2022/23, as per your SR21 Settlement Letter, is:

- RDEL 2022/23: £428,789
- CDEL 2022/23: £0

It is your responsibility to manage within the budget allocation and to meet your corporate objectives and targets where appropriate.

## Independent Reporting Commission: Framework Document

The Independent Reporting Commission is responsible for ensuring that all spend is in accordance with the principles of HM Treasury's *Managing Public Money* and complies with the HM Treasury *Consolidated Budgeting Guidance*.

Your new delegated authority limit is £7,500 excluding VAT. Any transactions greater than this require NIO approval in advance, before spend is made. The Independent Reporting Commission can set delegation authority limits to named individuals within your organisation subject to recording these limits and meeting the requirements of the National Audit Office (NAO). You are also the authorised signatory for third party contracts for goods and services that have an estimated contract value within the limits of your budget delegation and comply with Government Spending Controls.

The budget is set for the year. The NIO Sponsorship Team and your NIO Finance Business Partner will provide support to you and your team throughout the financial year, and will meet with you regularly to review progress against budget allocations and forecasts and discuss adherence to your responsibilities - including compliance with Government Spending Controls. Progress against your budget is reported to me as the Principal Accounting Officer on a monthly basis.

Formal financial reviews will be held at M3 and M6, led by the NIO Finance Team. If it is evident that your budget is not being spent as planned, as Principal Accounting Officer I reserve the right to redirect elements of your budget to areas of greatest financial need across the NIO Group. In this eventuality, this will be discussed with you.

There will also be a new six monthly formal review meeting with the NIO Finance Director. Further details regarding this, including your broader responsibilities, are set out in Annex 1.

Please inform your NIO Sponsorship Team and the NIO Finance Business Partner at the earliest opportunity if there are any unforeseen events or changes that impact your financial position.

I would be grateful if you could respond to me by email within ten working days to confirm that you are content that you have adequate arrangements in place to provide assurance for the responsibilities as set out in this delegation letter.

Please contact your NIO Finance Business Partner in the first instance if you have any questions regarding this delegation letter.

Yours sincerely,



Madeleine Alessandri  
**Permanent Secretary, Northern Ireland Office**

## Annex 1

### Independent Reporting Commission Responsibilities

#### Managing your budget

- 1 As a budget holder, you are responsible for living within your budget and achieving value for money in compliance with HMT's *Managing Public Money*.
- 2 Your organisation is required to submit the following Management Information to NIO Finance Team on the 3<sup>rd</sup> working day of each month:
  - Monthly journals - with supporting documentation
  - Accruals and prepayments - with supporting documentation. If there is a nil return please complete the return stating this.
  - Regular review of staff access and permissions on Account NI
  - Cash requirements to inform the monthly cash forecast
  - At year end, provide year-end documentation, calculation, information and evidence as requested by NIO/EY for preparation of year end ARA and audit files.
- 3 Please note that requests for journals, accruals, and prepayments will not be accepted and actioned by Finance if:
  - They are below £500 per transaction (including any applicable VAT)
  - Supporting documentation is not provided
  - They are submitted beyond the deadline
- 4 You should ensure your organisation has sufficient resource (with cover arrangements) in managing your budget, including knowledge of Account NI to access financial data.

Monthly reviews will be undertaken by the NIO Finance Business Partner to review in year spending and to scrutinise forecasts. Significant deviations from year to date spend and/or full year forecasts from the budget allocation at the mid-year point must be supported by a recovery plan showing how spend will be brought back in line with budgets. This will be followed by subsequent check-ins with your Finance Business Partner to discuss any developments or changes to your position since the mid-year review.
- 5 Performance against budgets this year may impact budgetary decisions during the year and in subsequent years.
- 6 You are responsible for ensuring that policy or operational proposals which will significantly impact the Northern Ireland Office resources or balance sheet (novel, contentious or repercussive items) are approved by your NIO Sponsorship Team and NIO Finance Business Partner before submitting advice to the NIO Permanent Secretary.
- 7 There are rules and restrictions regarding switches between expenditure categories:
  - (i) Switches from (a) Resource into Capital (b) Admin into Programme require approval from the NIO. Your Finance Business Partner must be consulted prior to switches being proposed;

- (ii) Any switches can only be approved by the NIO and HMT through the parliamentary Estimates process at the start of the financial year and at Supplementary Estimates (November / December of each year); and
- (ii) Switches from (a) Capital into Resource and from (b) Programme into Admin are not permitted, in line with HMT's *Consolidated Budgeting Guidance*.

### **Special Payments**

- 8 The IRC must comply with HMT's *Managing Public Money* ( Annexes 4.10 - 4.14) guidance in relation to special payments (including special severance payments), overpayments, losses and write offs, gifts, remedy payments and consolatory payments (£500+). Approval from the NIO Finance Business Partner is required prior to making an offer of a special payment.
- 9 All payments regardless of value require NIO approval if they are deemed novel, contentious or potentially repercussive. If you have any of these, please discuss with your NIO Sponsorship Team and NIO Finance Business Partner at the earliest opportunity.

### **Procurement Rules**

- 10 Subject to the value and category of the procurement, different procurement routes are required under Procurement Central Limits:
  - i) Up to £5k - Bodies must demonstrate that VFM is secured.
  - ii) £5k to £30k - Bodies must seek a minimum of two (2) tenders.
  - iii) £30k to EU threshold – Advertise on eSourcingNI through CPD.  
Above EU Thresholds – EU Directives apply, and must advertise in the Official Journal of the European Union (OJEU).
- 11 You must follow your own internal policies for spend approval and contract signature as well as ensuring that you are compliant with Government Spend Controls.
- 12 You must maintain effective oversight of the following activity and should engage with NIO for guidance if required prior to undertaking any of the following:
  - i) Procuring goods and services with an estimated contract value above £5,000 (excl. VAT)
  - ii) Varying an existing contract either by term, value or scope
  - iii) If you wish to award a contract with a value over £5,000 without competition (Direct Award/Single Tender). This should only be done in exceptional circumstances and will require prior legal approval.
  - iv) For any pro-bono, zero charge or trial contracts
  - v) If the services procured must commence before a contract has been signed and awarded. This should only be done in exceptional circumstances.

- 13 Where there is an operational emergency, and IRC are unable to conduct the procurement process in accordance with CPD guidance in the necessary time frame, IRC may source external procurement support. This should only be done in exceptional circumstances and be approved by your NIO Finance Business Partner in advance.

### **Government Spend Controls**

- 14 Spend in the following categories are subject to Government Spending Controls and may require prior approval from the Cabinet Office. Guidance on gaining Approvals can be obtained at the following link:

<https://www.gov.uk/government/publications/cabinet-office-controls-version-6>

- Commercial activity, including dispute disclosure
  - Consultancy and professional services (including legal)
  - Property, including facilities management
  - Grants
  - Digital and technology, including identity assurance
  - Advertising, marketing and communications
  - Learning and development (Civil Service Learning)
  - Redundancy and compensation
  - External recruitment
- 15 You must use centrally established and managed corporate contracts where possible where they already exist. These are designed to achieve the best VFM and include favourable terms & conditions.
- 16 You must first satisfy yourself that interim staff coming to work for your organisation for a temporary period will be meeting their tax and national insurance commitments. To do this, you must formally assess whether appointees are within scope of the Intermediaries (IR35) Regulations.

### **Commercial Pipeline**

- 17 You are responsible for ensuring that an up-to-date commercial pipeline is maintained, and all planned spend with a third party is recorded; a contract (including variations and extensions) should only be signed if there is a corresponding pipeline entry.
- 18 Your commercial pipeline should be maintained in line with the standard government template and should be shared with the NIO Finance Business Partner on a quarterly basis and on an ad-hoc basis as requested.

### **Contract Management**

- 19 Appropriate rigour should be applied to this part of the procurement lifecycle to ensure contracts deliver the value that was originally intended. You are accountable for the effective contract management and delivery of procured services. This includes; ensuring all contracts have named contract managers who are appropriately accredited (or working towards) under the GCO's Contract Management Capability Programme and are actively

managing the contracts, including tracking and reporting KPIs and SLAs on any Gold level contracts within your portfolio.

- 20 At the business case stage, contracts must be tiered (Gold/Silver/Bronze) in accordance with the Contract Tiering Tool guidance and contract management plans produced and maintained in line with prevailing guidance as appropriate for the tier level.
- 21 Details of live contracts (including KPIs where applicable) should be shared with the NIO when requested.

### **Contract Publication**

- 22 All contracts with a value of over £10k are legally required to be published on Contracts Finder once awarded, and all contracts with a value over £118k are required to be published on Find a Tender.

### **Prompt Payment Policy**

- 23 The government commitment is to pay 90% of undisputed and valid invoices from Small and Medium Enterprises (SMEs) within 5 days and 100% of all undisputed and valid invoices to be paid within 30 days. Government departments are required to publish their performance including its ALBs) against these payment targets on a quarterly basis on gov.uk. This is therefore a collective responsibility and your organisation must ensure it processes invoices in a timely and efficient manner.

### **Risk and assurance**

- 24 You are responsible for ensuring an effective risk management system is in place to address risks to delivery of the IRC objectives.
- 25 You will report at six monthly intervals to your Sponsorship Team in identifying, assessing, managing and escalating operational risks and in providing an assurance that an effective risk management system is in place and operating to a common standard, including cyber security. This is done via the stewardship statement process.

### **Propriety & Ethics**

- 26 You have an obligation to disclose conflicts or potential/perceived conflicts of interest and take all reasonable steps to prevent conflicts of interest giving rise to material or perceived risks.
- 27 Officials within the Independent Reporting Commission must not abuse their position by making use of privileged information for personal advantage or to help others to personally gain.
- 28 When considering whether to accept offers of gifts or hospitality, you must be confident that it involves no reasonable suspicion that personal judgement, impartiality or integrity has been compromised.

- 29 You must submit to the Permanent Secretary's Office if you or any of your staff are leaving IRC and taking any form of full, part-time or fee paid employment falling within the scope of the Business Appointment Rules. Whilst these rules are drafted and labelled for the attention of UKG Civil Servants, your organisation must comply with the spirit of these rules whatever the status of employees.
- 30 All business appointments must be reviewed by your Leadership Team, and, where applicable in line with your internal processes, your Audit and Risk Committee, to ensure mitigations are discussed and in place for leavers in line with Departmental practice.

### **Counter fraud responsibilities**

- 31 You have a responsibility for managing fraud within your organisation by acting in accordance with the Civil Service Code, Managing Public Money and the Government Counter Fraud Functional Standard ensuring:
- (i) Accountabilities and responsibilities for managing fraud, bribery and corruption risk are defined across all levels of the organisation;
  - (ii) Employees have the skills, awareness and capability to protect the organisation against fraud, bribery and corruption;
  - (iii) Controls are in place to mitigate fraud, bribery and corruption risks and are regularly reviewed to meet evolving threats;
  - (iv) A counter fraud, bribery and corruption strategy is in place and approved by the organisation's board or executive risk committee; and
  - (v) Risk assessments are undertaken for new projects or areas of spend. Appropriate funding should be set aside for fraud and compliance activities from the outset.
- 32 You should promote a counter-fraud culture within your organisation. This includes highlighting to staff members the appropriate process to report concerns about actual, attempted or suspected fraud in line with whistleblowing legislation.

**Annex 2 - formal HM Treasury delegation letter**



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28 July 2022

**Delegated Authority Letter – Independent Reporting Commission**

Dear Chris,

I am writing to set out the Independent Reporting Commission updated delegated spending authorities. This supersedes all previous communication on delegated authorities, and includes the arrangements for approving:

- new policy proposals and announcements;
- projects and programmes; and
- internal funding allocations

HM Treasury approval for expenditure is one aspect of the convention whereby the Treasury controls all other departments in matters of finance and public expenditure on behalf of Parliament. Formally, Treasury consent is required for all expenditure or resource commitments. In practice, the Treasury delegates to departments the authority to enter into commitments and to spend within predefined limits without specific prior approval from the Treasury (with certain exceptions). Such delegated authorities strike a balance between the Treasury's need for control in order to fulfil its responsibilities to Parliament and the department's freedom to manage within its agreed budget limits and Parliamentary provision. Annex 2.2 of *Managing Public Money* sets this out in further detail.

## Independent Reporting Commission: Framework Document

The delegated authorities set out in this letter give the Independent Reporting Commission standing authorisation to commit resources or incur expenditure without specific prior approval from the Northern Ireland Office in specific areas and within specific limits. Where expenditure does not fall within these delegations, Northern Ireland Office consent will be necessary. Details of these delegated authorities are set out in Annex A, alongside a list of the categories of spending which always require Northern Ireland Office approval. These include proposals for expenditure which is novel and contentious, or could cause repercussions elsewhere in the public sector. Expenditure slotting into any of these categories requires Northern Ireland Office consent. If no delegation is set out specifically in the letter, then the delegation is nil and Northern Ireland Office consent will need to be sought. Where appropriate Northern Ireland Office will liaise with HMT in order to seek their approval. Programme specific delegations are also set out in Annex A.

This delegation letter commences from the date of this letter and will be reviewed on annual basis by the Northern Ireland Office. The letter should be read in conjunction with other guidance setting out the parameters of departmental spending authority, such as *Managing Public Money*. Any questions on the contents of this letter should be referred to your Body's sponsor Team in the Northern Ireland Office.

### **New policy proposals and announcements**

New policy proposals and announcements with financial implications must be cleared with the Northern Ireland Office when:

- they are outside your delegated authorities;
- they are included within the list of categories of spending which always require HM Treasury approval (via NIO);
- they are to be submitted to the Cabinet or a Ministerial committee for collective approval.

Cost estimates must be provided to the Northern Ireland Office with an identification of how the costs will be met, including cost impacts for other departments. Except where specifically agreed with the Northern Ireland Office, Arm's Length Bodies are expected to submit a business case using the techniques set out in the Green Book, including cost-benefit analysis, to appraise and evaluate policy announcements and proposals, as well as projects and programmes.

Where proposals with financial implications are to be submitted to the Cabinet or a Ministerial committee for collective approval, Northern Ireland Office approval must be secured well in advance. Where the NIO (on behalf of the Independent Reporting Commission) and Treasury cannot agree in advance, any proposal for collective ministerial consideration must record the Treasury's position in terms which are acceptable to the Treasury. Cabinet Committees will not sign-off policy proposals with public expenditure implications unless Treasury ministers are content. Issues will be referred to the Prime Minister, if necessary, for decision, or to Cabinet if the Prime Minister so decides.

## Project and programme spending

### When approval is required

Projects and programmes require Northern Ireland Office approval where they exceed, or are likely to exceed, the Arm's Length Body delegated authorities. The need for Northern Ireland Office approval extends to the renewal of existing projects and programmes where significant changes are being proposed as well as new projects and programmes. For clarification, Northern Ireland Office approval must be sought where multiple contracts tendered for a programme would, in aggregate, take expenditure over a given delegation limit; contracts must not be broken down in order to avoid the need for Northern Ireland Office approval. It will also be appropriate to seek Northern Ireland Office consent where additional contracts in relation to a programme of activity raise the expenditure above the delegation limit.

Where expenditure is or is likely to be beyond the Arm's Length Body delegated authorities, Northern Ireland Office approval (who will seek Treasury approval) must be given at a minimum at each key stage of the project or programme under the Five Case Model, as set out in the Green Book supplementary business case guidance:

- initial approval at the Strategic Outline Case (SOC) phase;
- approval at the Outline Business Case (OBC) phase, before going out to the market or tender;
- approval at the Full Business Case (FBC) phase before any spending is committed. In the case of projects and programmes procured under the competitive dialogue process, approval is required before close of dialogue; further approval is then required at the FBC stage for any substantive changes since close of dialogue.

Additionally, for major projects as defined by the 'Treasury approvals process' guidance, the following apply:

- NIO, through HM Treasury and the Infrastructure & Projects Authority (IPA) will agree with the Arm's Length Body a set of milestones as part of the project's Integrated Assurance and Approval Plan (IAAP). The Treasury reserves the right to add further approval milestones where necessary;
- the Arm's Length Body must continue to provide the NIO, who will provide Treasury and the Infrastructure & Projects Authority (IPA) with details of projects and programmes after FBC approval until the project or programme is operational, including on project performance, cost and time envelope, on a quarterly basis. This information will be collected via the IPA's Government Major Project Portfolio (GMPP); and
- the Arm's Length Body is required to share its post-implementation review for each project with NIO, who will share with HM Treasury and the IPA.

Where this is not the case, or where the Independent Reporting Commission does not accept IPA recommendations, the NIO, and Treasury will consider withholding funding until it is satisfied the recommendations have been properly implemented or considered.

## Project reporting

In addition to setting delegated limits, we are also maintaining lower disclosure thresholds for projects and programmes as set out in Annex A.

To facilitate effective Northern Ireland Office and Treasury oversight and knowledge of Arm's Length Body spending, and Cabinet Office oversight of delivery risk and capability, the Independent Reporting Commission is required, on a quarterly basis, to provide the Northern Ireland Office, and relevant IPA contact, with information on projects whose whole life costs fall outside, or are likely to fall outside, delegated authorities or exceed disclosure thresholds. The quarterly GMPP process provides the primary means of collecting the information, which includes:

- project summary;
- the lifecycle stage, the next significant milestone, and when that is likely to take place;
- annual project costs and whole life costs, in government budgeting terms;
- where appropriate, the NPV of the project or programme;
- delivery confidence;
- the relative priority of the project in the department's project portfolio;
- the future timetable; and
- where applicable, the date and amount of any existing approval from HM Treasury.

The Northern Ireland Office and Treasury will normally only approve projects and programmes outside delegated authorities where Arm's Length Bodies comply with this and associated processes to prioritise and rank their portfolio(s).

This process includes all initiatives outside delegated authorities or above disclosure thresholds, including:

- those that are identified within your Arm's Length Bodies as in development, as well as serious options where project or programme initiation is envisaged; and

For any new initiative which is:

- likely to fall outside the relevant delegated authorities; or
- requires specific functional input or technical expertise (e.g. finance; digital; infrastructure; construction etc); or
- is novel, contentious, or is expected to lead to ministerial announcement

You are asked to engage the relevant Northern Ireland Office sponsor at the outset to determine the degree of challenge and whether the initiative and proposed delivery approach would benefit from Major Project status or IPA support. IPA and Treasury engagement in an initiative's transition from policy to delivery should be as early as possible and should not rely on the more formal quarterly cycle. As set out in the Independent Reporting Commission most recent Spending Review settlement letter and if needed, there will be a quarterly meeting between the Independent Reporting Commission and The Northern Ireland Office, who will liaise with the relevant Treasury spending team, and IPA contact where such matters should be formally discussed. In addition, the Treasury should be kept informed on a regular basis of details of planned

savings measures, especially where they are novel or contentious. This communication will come from The Northern Ireland Office on behalf of the Independent Reporting Commission.

### **Spending commitments beyond Spending Review settlement**

In line with *Managing Public Money*, any new spending proposal which would entail contractual commitments to significant levels of spending in future years for which plans have not been set must be approved by the Northern Ireland Office. If necessary the NIO will seek Treasury approval. In addition, the Northern Ireland Office requires Arm's Length Bodies to report on a quarterly basis on the total amount of capital spending which has been committed per financial year beyond the current Spending Review settlement. This applies to capital spending beyond 2022-25. If the Northern Ireland Office has concerns about the level of commitments that have built up, it may require all spending proposals committing money beyond the current Spending Review settlement to have NIO approval, regardless of the level of spending involved.

### **Process for obtaining approval**

Before any expenditure outside the delegated authorities is submitted by the Arm's Length Body to NIO for formal approval, it should already have passed the highest level of scrutiny within the body, which as a minimum will require sign-off by the Principal Accounting Officer (PAO), Finance Director, or other official with full delegated powers. Expenditure submitted to the Treasury via NIO for approval should also have been signed-off by the relevant minister within the Northern Ireland Office (excepting cases related to special payments). Where the PAO assesses that a ministerial direction will likely be needed in relation to the expenditure, the reasons for this should be discussed with Treasury. No direction should be sought in advance of obtaining Northern Ireland Office approval for the expenditure.

### **Policy proposals and projects**

Applications for approval should be submitted to the NIO, who will liaise with HMT spending team, and will then communicate in writing whether approval has been granted. Projects outside delegated authority will be scrutinised through the Treasury Approval Point process, or the Major Projects Review Group for Government's largest and riskiest projects and programmes. You will normally receive a response within 28 days of the business case formally being received.

### **Cabinet Office controls**

The Cabinet Office will continue to operate a subset of spending controls on behalf of the Treasury. They apply to the following types of expenditure:

- Advertising, marketing, and communications;
- Commercial activity, including dispute disclosure;
- Consultancy and professional services;
- Digital and technology, including identity assurance;

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- Grants;
- Property, including facilities management;
- External recruitment;
- Learning and development (Civil Service Learning); and
  
- Redundancy and compensation.

Detailed guidance on their operation and requirements is available at:  
<https://www.gov.uk/government/publications/cabinet-office-controls> .

The controls apply to your arms-length body, unless exempted. Following a review, most spending control exemptions have been withdrawn or updated (details are set out at Annex B).

Your arms-length body is required to develop and share spending 'pipelines' containing information on proposed commercial procurement, digital and technology, and property spending for at least the next 18 months (publishing commercial procurement pipelines). As well as meeting this requirement your staff should also continue to produce other business cases and seek other NIO consent, (who will seek Treasury and Cabinet Office consent) as required. As it constitutes a delegation from NIO, Treasury consent, spending without the required Cabinet Office approval, or without meeting the conditions set for delegated or Cabinet Office approval, may be considered irregular. The PAO must notify the NIO, (who will notify the Cabinet Office and HM Treasury) as soon as you become aware of a breach of spending controls, and the National Audit Office (NAO) may also need to be informed.

Arm's Length Body also needs to seek NIO approval for redundancy schemes where these fall outside delegated authorities, including where this involves a request to draw down funding ring-fenced for redundancy costs in the Spending Review. HM Treasury and Cabinet Office are jointly reviewing the operation of these controls and will notify NIO who will notify the Independent Reporting Commission of further changes.

In addition, please also note the Cabinet Office Guidance on the use of Settlement Agreements, Special Severance Payments, and Confidentiality Clauses on Termination of Employment. As of 1 February 2015 Accounting Officers are required to seek the prior approval of the Secretary of State for Northern Ireland Office for any use of a confidentiality clause and then the approval of the Minister for the Cabinet Office in specified criteria, one of which is a proposed payment of £100,000 or more (at any grade).

### **Special payments**

Certain categories of transaction require distinct treatment, including special payments, overpayments, losses & write-offs, gifts, and remedy payments. Annexes 4.10 to 4.14 of *Managing Public Money* contain guidance on these categories and the circumstances under which NIO and Treasury approval must be sought. The NIO will liaise with HM Treasury on behalf of the Independent Reporting Commission.

You should note that all severance payments outside of normal statutory or contractual requirements require NIO approval (who will seek Treasury approval) and, unless

separately agreed with the Treasury Officer of Accounts (TOA), any consolatory payment of above £500 also requires NIO approval (who will seek Treasury approval) (further detail set out in annex C). In addition, all payments, regardless of value, require NIO approval (who will seek Treasury approval) if they are novel, contentious, or repercussive (paragraph 2.3.4 of *Managing Public Money*). Annex A of this letter contains further detail on the delegations relating to special payments, overpayments, losses & write-offs, gifts, and remedy payments.

### **Contingent Liabilities**

NIO consent (who will seek HM Treasury consent) must be sought for all contingent liabilities that are novel, contentious, or repercussive, before they are agreed. In addition, where such proposed contingent liabilities have maximum exposure of £3 million or more, a completed Contingent Liability approval framework checklist must be submitted to the NIO and onward to Treasury alongside the request for approval. This process is also required for remote contingent liabilities. The NIO will liaise with HM Treasury on behalf of the Independent Reporting Commission.

### **New Services and Sole Authority**

NIO agreement (who will seek HM Treasury agreement) is also needed to introduce new services on the sole authority of the Supply and Appropriations Acts. New services can never be introduced on a permanent footing without legislation, but there is a temporary services derogation that may be used for services lasting no more than two years in total. Using this derogation requires agreement from the Treasury through NIO.

### **Fees and Charges**

NIO agreement (who will seek HM Treasury agreement) is needed to introduce or modify fees and charges schemes and for any proposal to retain fee and charge income to finance expenditure. The NIO will liaise with HM Treasury on behalf of the Independent Reporting Commission.

### **Banking and Cash Management**

The Independent Reporting Commission must maximise the use of publicly procured banking services (accounts with commercial banks managed centrally by Government Banking). Arm's Length Bodies should only hold funds outside of the Exchequer where a good business case can be made for doing so. It should also be noted that specific NIO agreement (who will seek HM Treasury agreement) to each commercial account is required before it is established. Further details are set out in the Banking and managing cash annex of *Managing Public Money*. This also provides guidance on banking policy. As a matter of good financial management, the Independent Reporting Commission should never go overdrawn.

As part of its delegated authority Independent Reporting Commission should plan its own cash management efficiently. Arm's Length Bodies must support central cash management processes through forecasting of their cashflow via the cash management

scheme as set out in guidance on OneFinance and *Managing Public Money*. This captures Arm's Length Bodies inflows and outflows at the point they leave the department's group of accounts within the exchequer.

For effective cash management it is important to distinguish cash flow from accrued budgets. Cash flow should be profiled for each day to inform Exchequer Funds and Accounts (EFA) of the Exchequer's demand for cash and expectations of income on a daily, weekly and monthly basis. The Debt Management Office (DMO) relies on the accuracy of this information to minimise the risks and cost of managing the government's overall cash position daily, and therefore the earliest possible communication with EFA on changes to cash flow is essential.

### **Sharing information with NIO and HM Treasury**

To support the effective monitoring of spend, and to inform decision making, Arm's Length Bodies must provide NIO, with robust spending and forecasting information, and share data to demonstrate whether priority outcomes are being achieved and contribution to key government objectives. NIO will share with HM Treasury as appropriate.

### **Review of delegated authorities**

The Independent Reporting Commission delegated authorities will be reviewed by the Northern Ireland Office on at least an annual basis, beginning from the date of this letter. That means that your delegations will be reviewed by **31<sup>st</sup> March 2023**. Notwithstanding these regular reviews, the NIO reserves the right to withdraw, reduce, or amend these delegated authorities. Before doing this, the NIO will set out its reasons for making the changes and give The Independent Reporting Commission the opportunity to comment.

### **Change of Circumstances**

For the avoidance of doubt, where there are material changes to the key metrics (e.g. cost base, forecast benefits, delivery schedule) of a programme, The Independent Reporting Commission should consult the NIO for its view on whether the considerations that led to approval should be revisited, and if fresh consent for the continuation of funding should be sought. Failure to do so may lead the NAO to regard spending following the identification of the material change of circumstances, benefits, or costs as irregular.

### **Change control procedure**

Where The Independent Reporting Commission delegated authorities are amended a fresh delegation letter must be issued immediately to record this change. If a new delegation letter is not issued within 14 days of the change then it will lapse, and The Independent Reporting Commission delegation limits will be as in the unamended letter.

### **ANNEX 3: DETAIL OF THE INDEPENDENT REPORTING COMMISSION - DELEGATED AUTHORITIES**

The Independent Reporting Commission delegated authorities are set out below. Notwithstanding these delegations, certain categories of spending proposal override any delegated authority and must be submitted to NIO for onward submission to HM Treasury. These are proposals which:

- could create pressures leading to a breach in Departmental Expenditure Limits, administration costs limits, or Estimates provision;
- would entail contractual commitments to significant levels of spending in future years for which plans have not been set;
- could set a potentially expensive precedent;
- could cause significant repercussions for others;
- require primary legislation;
- are novel and contentious; or
- Where Treasury consent is a statutory requirement.

In addition:

- The Independent Reporting Commission will always act within the rules of *Managing Public Money*;
- The Arm's Length Body will abide by any specific agreements reached with NIO and Treasury Ministers or officials during Spending Review discussions or otherwise;
- If spending falls under more than one category of delegation, the lower delegated limit applies.

The delegated authorities for The Independent Reporting Commission are set out in the following table:

Notes:

1. Approval is required if spending falls outside one or more of the applicable delegated limits. Spending should be measured on a whole life cost basis except where this is not sensible, for example for ongoing annual commitments.
2. This includes all new projects and proposals/announcements, even when they are part of a larger programme or payment that was provided for as part of a Spending Review or other NIO written approval (who will seek Treasury written approval) and that are not covered by prior written approval from the NIO/Treasury.
3. This also includes renewal of existing projects and programmes where significant changes are being proposed.
4. Costs are on current net present value accruals basis.

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5. Where relevant, when comparing costs against delegated limits, non-recoverable VAT will count towards the delegated limit (recoverable VAT will not).
6. The cost is the sum of all payments committed to a body, organisation or individual from a single programme over its lifetime (i.e. costs should not be “unbundled” to fall below the delegation).

Nature of delegation		Delegated limit	Disclosure threshold
		Nil	Nil
<p>Novel, contentious, or repercussive spend. This includes where commitments are made that may give rise to such spend in future i.e. novel guarantees, indemnities and contingent liabilities, novel financing techniques, significant departures from standard departmental terms and conditions.</p>			
	Resource	£7,500	£7,500

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Projects and programs, and announcements and policy proposals with a defined timeline	Capital	£7,500	£7,500
Announcements and policy proposals creating ongoing expenditure	Resource and Capital	£7,500	£7,500
Spending commitments beyond the current Spending Review settlement	Resource and Capital	£7,500	£7,500
Administrative expenditure	N/A	£7,500	£7,500
Stock write-offs and impairments	Equipment, SOSP, IS/IT etc.	£7,500	£7,500
Claims waived or abandoned	Any	£7,500	£7,500

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Special payments	<p>All special payments ( save special severance payments) are included in this category. This includes extra-contractual payments involving departmental default made on appropriate legal or other professional advice, ex-gratia compensation payments made on appropriate legal or other professional advice, extra-statutory payments, and extra-regulatory payments. Managing Public Money should be consulted for appropriate guidance. For the avoidance of doubt these limits can be taken to exclude reasonable costs agreed or estimated and confirmed as reasonable by appropriate legal advice.</p>	£7,500	£7,500
<p>Consolatory payments (ex-gratia payments to individuals in respect of incidents which do not involve financial loss and</p>		£500	£500
<p>there is no legal redress available)</p>			

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Special severance payments, including PILON and CILON, outside of normal statutory or contractual requirements.		Nil	Nil
Other	Charitable grants	Nil	Nil
	Subsidies	Nil	Nil
	Guarantees, indemnities, and loans	Nil	Nil
	Gifts	Nil	Nil
	Losses waived/abandoned claims, write offs: third party is solvent	Nil	Nil
	Losses waived/abandoned claims, write offs: third party is insolvent	Nil	Nil

**ANNEX 4: CABINET OFFICE CONTROLS**

Controls requirements for the Northern Ireland Office and its arms-length and central government bodies.

Body	Exempt status	Thresholds	Review date	Other conditions
Northern Ireland Office and ALBs	Not exempt	As per guidance		

## ANNEX 5: EXPLANATORY NOTE ON HM TREASURY APPROVAL IN RESPECT OF CONSOLATORY PAYMENTS

### Summary

The Independent Reporting Commission will through NIO seek Treasury approval for any consolatory payment which is over £500, or which is novel, contentious, or repercussive, or which is outside the delegated authority limit for ex-gratia payments agreed with Treasury. There are some exceptions, which are given below.

### Definition

Consolatory payments are ex gratia payments made to individuals by organisations in respect of incidents which do not involve financial loss, e.g. stress, inconvenience, embarrassment etc. They are a form of special payment, as defined by *Managing Public Money* ( annex 4.13 – Special Payments).

### Guidelines

Due to the size of the amounts involved, NIO/Treasury approval is not required for any payment up to £500, which is not novel, contentious, or repercussive, and which is within the delegated authority limit for ex-gratia payments.

Given that there is no measure of financial loss in assessing consolatory payments, any such payment over £500 is liable to be novel and contentious by its nature and as such would require NIO/ Treasury approval in most cases, even if the level of payment is within the delegated authority limit for ex gratia payments for the department or agency concerned.

### Exceptions

The following exceptions to these guidelines apply **if and only if** the proposed payment is not novel, contentious or repercussive, and is within the delegated authority limit for ex gratia payments for the department or agency concerned.

- NIO/ Treasury approval is **not** required if a department is in a position to offer to settle a case which would otherwise be determined by the courts (e.g. a personal injury case), and the legal assessment is that the department is likely to lose the case and the proposed consolatory payment is less than the amount the court is likely to award.
- NIO/ Treasury approval is **not** required for cases where an arbiter which has legal authority has made a recommendation for payment. The Parliamentary and Health Service Ombudsman (PHSO) is an example of such an arbiter.
- NIO/ Treasury approval is **not** required if the proposed payment is above £500 but below a limit agreed bilaterally between the department and the Treasury in the

context of an independent case examiner (ICE) within the department having made a formal determination of the appropriate level of compensatory payment.

An example of this is the Department for Work and Pensions, which has an ICE which carries out this role. The Treasury has agreed a threshold of £1,000 with the Department for consolatory payments assessed by the ICE.

### **Process**

Submissions for Treasury approval in respect of consolatory payments should be made through the usual NIO contacts, who will liaise with contacts in Treasury spending teams. As appropriate, the HMT spending teams will consult the Treasury Officer of Accounts team (TOA).

We would normally expect a fairly short business case, setting out the circumstances of the maladministration, the level of payment proposed, and justification for the level of payment.

### **Principles**

Given the absence of measurable financial loss in such cases, the NIO/ Treasury seeks to strike a balance between ensuring appropriate levels of scrutiny and avoiding disproportionately heavy clearance procedures for very low value cases.

In accordance with Managing Public Money, Treasury approval is required for any payment which is novel, contentious or repercussive, or which is outside the delegated authority limit for ex gratia payments agreed with NIO/ Treasury. Treasury approval will be sought by NIO on behalf of the Independent Reporting Commission