



Title of Report:	Local Government Staff Commission draft terms of reference in respect of the recommendations of the Local Government Auditor’s Extraordinary Audit Report
Committee Report Submitted To:	Council Meeting
Date of Meeting:	Tuesday 09 August 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Innovation and Transformation
Outcome	Improve Service Delivery
Lead Officer	Head of ODHR (Director of Environmental Services presenting in the absence of the Head of ODHR)

Budgetary Considerations	
Cost of Proposal	There are no direct costs associated with the involvement of the Staff Commission, however the Council will be responsible for all other costs associated with this process.
Included in Current Year Estimates	No
Capital/Revenue	n/a
Code	n/a
Staffing Costs	n/a

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	n/a	Date:
	EQIA Required and Completed:	n/a	Date:
Rural Needs Assessment (RNA)	Screening Completed	n/a	Date:
	RNA Required and Completed:	n/a	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	n/a	Date:
	DPIA Required and Completed:	n/a	Date:

1.0 Purpose of Report

- 1.1 The report requests Members to consider the draft terms of reference in respect of the recommendations of the Local Government Auditor's Extraordinary Audit Report.

2.0 Background

- 2.1 The Local Government Auditor's Extraordinary Audit Report was published on 7 July 2022.
- 2.2 A report was presented to the Members at the Special Council Meeting on 26 August 2022 recommending independent external assistance should be requested from the Local Government Staff Commission (LGSC) in respect of recommendation 6 & 7 of the Local Government Auditor's Extraordinary Audit Report.
- 2.3 The Council agreed that the Commission be requested to assist with recommendation 6 & 7 of the Extraordinary Audit Report.
- 2.4 Following this decision, the Mayor wrote to the Local Government Staff Commission on 28 July 2022 to 'request the assistance of the Staff Commission, in respect of any relevant matters arising from the Extraordinary Audit Report recommendations and their implementation.'
- 2.5 The Director of Corporate Services of the Local Government Staff Commission responded to the Mayor by letter on 2 August 2022 confirming the Staff Commissions assistance.

3.0 Proposals

- 3.1 A draft terms of reference have been developed for the involvement of the Local Government Staff Commission to assist with the Extraordinary Audit Report recommendations through the implementation of the Council's policies and procedures and by adherence to the necessary associated legislative, resource management and governance actions required by the Department for Communities in order to demonstrate the Council's compliance with best practice.
- 3.2 The draft Terms of Reference (attached) details the role of the Local Government Staff Commission going forward.

4.0 Recommendation(s)

It is recommended that the Council agree the Terms of Reference.

Causeway Coast and Glens Borough Council

DRAFT TERMS OF REFERENCE AND OPERATING ARRANGEMENTS IN RESPECT OF THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT AUDITOR'S EXTRAORDINARY AUDIT REPORT

1.0 BACKGROUND

- 1.1 In November 2020 the Minister for Communities directed the Local Government Auditor to hold an extraordinary audit of the accounts of Causeway Coast and Glens Borough Council. The Local Government Auditor published the Extraordinary Audit Report on 07 July 2022.
- 1.2 At a Special Council Meeting held on Tuesday 26 July 2022, Council voted to accept all eight recommendations presented in the Extraordinary Audit Report and resolved to request independent external assistance from the Local Government Staff Commission in relation to Recommendations 6 and 7 of the Extraordinary Audit Report.
- 1.3 The Mayor wrote to the Local Government Staff Commission on 28 July 2022 to 'request the assistance of the Staff Commission, in respect of any relevant matters arising from the Extraordinary Audit Report recommendations and their implementation.'
- 1.4 This paper sets out the terms of reference for the involvement of the Local Government Staff Commission.

2.0 TERMS OF REFERENCE

- 2.1 To work with the Council to resolve the Extraordinary Audit Report (the Report) recommendations through the implementation of the Council's policies and procedures and by adherence to the necessary associated legislative, resource management and governance actions required by the Department for Communities in order to demonstrate the Council's compliance with best practice.

3.0 THE ROLE OF THE LOCAL GOVERNMENT STAFF COMMISSION

- 3.1 The Local Government Auditor, in the Report, references the minimum standards of behaviour expected from Council employees. The Local Government Staff Commission (the Commission) is the statutory body with responsibility for the operation of the Code of Conduct for Local Government

Employees and provides independent support in ensuring equality of opportunity and fairness in the local government system.

3.2 The Commission is independent of all parties in this matter. It will provide professional HR advice to the Council and given the need to ensure an absence of perceived conflict in the conduct of the investigation will arrange for the matter to be investigated by suitable independent person/s and ensure the application of fair process throughout.

3.3 The Commission proposes to manage the elements as follows:

- The Principal HR Advisor has been designated as the Commission Officer to provide professional HR advice and assist the Council in respect of any relevant matters arising from the Report recommendations and their implementation.
- Complete a mapping exercise and a review of the documentation referenced in the Report to determine which Senior Council Officers may be subject to further investigation.
- The Commission will facilitate on behalf of the Council relevant procedures as necessary.
- The Commission will appoint independent person/s, as required, to undertake roles specified in the relevant Council procedures. He/She/They has/have not been involved in any of the matters cited in the Report.
- The Commission will liaise with the Local Government Auditor and Department for Communities as required.

4.0 SCOPE

4.1 The Council decision specified that the Commission should assist the Council to address recommendations 6 and 7 of the Report. Recommendations 6 and 7 of the Report state:

- ‘6. *The Council should take appropriate action where it has been demonstrated from this report that the behaviour of Senior Council Officers has fallen short of the standards expected of an official in a public body.*
- 7. *The Council should refer Senior Council Officers to the relevant professional bodies where it has been demonstrated from this report that the behaviour of those Officers has fallen short of the standards and behaviours expected by those bodies.’*

Having carefully considered the issues raised by the Local Government Auditor in the Report it has been determined that addressing recommendations 6 and 7

may also impinge on other recommendations and cognisance of this is included within the Scope of the terms of reference, as appropriate.

5.0 METHODOLOGY AND OPERATING ARRANGEMENTS

5.1 The following methodology will be employed:

- Forward the terms of reference and operating arrangements for consideration and approval by Council.
- A review of and access to documentation relating to the conduct of Senior Council Officers.
- The Head of Organisation Development & Human Resources will be the point of contact within the Council.
- To request any further information or clarification of any specific matters with the respective parties as required.
- To investigate and report on the assertion by the Local Government Auditor that the 'behaviour of Senior Council Officers has fallen short of the standards expected of an official in a public body' under the appropriate policies or procedures.
- To facilitate any formal procedures under the appropriate agreement or policy.

6.0 SUPPORT ARRANGEMENTS

6.1 It is recognised that an investigation of this nature can be stressful for the individuals involved. The Council has in place contractual arrangements for occupational health and employee assistance support. This provision will be available for all officers in connection with this process.

6.2 The Council may also be required to provide a note taker for the duration of the proceedings.

7.0 OTHER MATTERS

7.1 There are no direct costs associated with the involvement of the Local Government Staff Commission, but the Council will be responsible for all other costs associated with this process.

7.2 An Information Sharing Agreement will be agreed between the Council (data controller) and the Local Government Staff Commission (data processor).

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