

An Roinn

Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe

Fairmin, Environment an' Kintra Matthers

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# Partnership Agreement between

# Department of Agriculture, Environment & Rural Affairs (DAERA)

and

Northern Ireland Fishery Harbour Authority (NIFHA)

Date: 12 November 2024 Version 1.0

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# 1. The Partnership Agreement

- 1.1 This document sets out the partnership arrangements between NIFHA and the DAERA. In particular, it explains the overall governance framework within which NIFHA operates, including the framework through which the necessary assurances are provided to stakeholders. The roles and responsibilities of partners within the overall governance framework are also outlined.
- 1.2 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles each party contributes. Underpinning the arrangements are the principles set out in the NI Code of Good Practice 'Partnerships between Departments and Arm's-Length Bodies' which should be read in conjunction with this document. The principles which are laid out the Code are:

# **LEADERSHIP**

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

# **PURPOSE**

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

# **ASSURANCE**

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

# **VALUE**

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

### **ENGAGEMENT**

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

A full copy of the NI Code of Good Practice 'Partnerships between Departments and Arm's Length Bodies' can be found at Annex 8.

1.3 This document should also be read in conjunction with guidance on proportionate autonomy which provides an outline of the principles and characteristics for proportionate autonomy. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance to be established between NIFHA and the DAERA and this is reflected in this agreement.

# 1.4 DAERA and NIFHA are committed to:

- Working together within distinct roles and responsibilities.
- Maintaining focus on successful delivery of Programme for Government outcomes and Ministerial priorities (see also paras 3.6 and 3.7).
- Maintaining open and honest communication and dialogue.
- Keeping each other informed of any issues and concerns, and of emerging areas of risk.
- Supporting and challenging each other on developing policy and delivery [when developing policy this may cut across more than one department].
- Seeking to resolve issues quickly and constructively.
- Acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.
- 1.5 The Partnership Agreement document should be reviewed formally at least once every three years to ensure it remains fit for purpose and up to date in terms of current governance frameworks. The formal review will be proportionate to NIFHA's size and overall responsibilities and will be published on Departmental and NIFHA websites as soon as practicable following completion. The effectiveness of the partnership and the associated Engagement Plan should be reviewed annually by the Department and NIFHA in order to assess whether the partnership is operating as intended, providing an opportunity to identify any emerging issues/opportunities for enhancement.
- 1.6 This document replaces the NIFHA Management Statement 2017 and NIFHA Financial Memorandum 2017.
- 1.7 A copy of this agreement has been placed in the Assembly Library and is available on the DAERA and NIFHA websites.

# 2. Statutory Purpose and Strategic Objectives

- 2.1 NIFHA is a non-departmental public body (NDPB) established in 1973 under the Harbours Act (Northern Ireland) 1970 and the Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973.
- 2.2 NIFHA's primary functions are to:
  - Improve, manage and maintain the three fishery harbours and harbour estates of Ardglass, Kilkeel and Portavogie
  - Operate such facilities as may be provided at the harbours
  - Dredge and maintain the harbour berths, channels and entrances
  - Lease, dispose of or develop land vested in the Authority
  - Construct, alter or extend any tidal work
- 2.3 It may also make bylaws for the purposes set out in legislation
- 2.4 As an NDPB, reflecting the requirements of Managing Public Money Northern Ireland (MPMNI), NIFHA operates with some independence and is not under day-to-day ministerial control. Nevertheless, the DAERA Minister is answerable to the Assembly for the NIFHA's overall performance and delivery.
- 2.5 NIFHA's strategic objectives are outlined in its Corporate Plan. The Corporate Plan sets the direction for an annual business plan, which sets out its targets and activities for the coming year and explains how performance will be measured through a series of Key Performance Indicators (KPIs). The Corporate Plan and Business Plan are approved by the DAERA Minister.

# 3. Organisational Status

3.1 NIFHA is a legal entity in its own right, employing its own staff and operating at arm's-length from the Department. As a legal entity it must comply with all associated legislation including legislation relating to its employer status.

### 4. Governance Framework

- 4.1 NIFHA has an established Corporate Governance Framework which reflects all relevant good practice guidance. The framework includes the governance structures established within NIFHA and the internal control and risk management arrangements in place. This includes its Board and Committee Structure. The Department should be satisfied with the framework.
- 4.2 An account of this is included in NIFHA's annual Governance Statement together with the NIFHA Board's assessment of its compliance with the extant Corporate Governance Code of Good Practice (NI). Any departure from the Corporate Governance Code must be explained in the Governance Statement. The extant Corporate Governance Code of Good Practice (NI) is available on the DoF website.
- 4.3 NIFHA is required to follow the principles, rules, guidance and advice in Managing Public Money Northern Ireland. A list of other applicable guidance and instructions which NIFHA is required to follow is set out in Annex 6. Good governance should also include positive stakeholder engagement, the building of positive relationships and a listening and learning culture.

# 5. NIFHA Board

5.1 NIFHA is led by a Board, non-executive members of which are appointed by the DAERA Minister. The composition of the NIFHA Board is provided for in Article 5 of the Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973. This provides that the NIFHA Board consists of a Chairperson and not less than four and not more than eight other members who shall be appointed by the Minister. The

- appointment process for non-executive Board members complies with the Code of Practice on Public Appointments for Northern Ireland (CPANI).
- 5.2 As Public Appointees, Board members are office holders rather than employees and are not subject to employee terms and conditions. Board appraisal arrangements are set out in paras 16.1 and 16.2 and matters for consideration in dealing with concerns/complaints in respect of Board members are provided in Annex 5.
- 5.3 The Board's operating framework provides further detail on roles and responsibilities and should align closely with this Partnership Agreement.
- 5.4 The purpose of the NIFHA Board is to provide effective leadership and strategic direction to the organisation and to ensure that the policies and priorities set by the DAERA Minister are implemented. It is responsible for ensuring that the organisation has effective and proportionate governance arrangements in place and an internal control framework which allow risks to be effectively identified and managed. The Board will set the culture and values of the organisation and set the tone for the organisation's engagement with stakeholders and customers.
- 5.5 The Board is responsible for holding the Chief Executive to account for the management of the organisation and the delivery of agreed plans and outcomes. The Board should also however support the Chief Executive as appropriate in the exercise of their duties.
- 5.6 Board members act solely in the interests of NIFHA and must not use the Board as a platform to champion their own interests or pursue personal agendas. They occupy a position of trust, and their standards of action and behaviour must be exemplary and in line with the seven principles of public life (Nolan principles). NIFHA has a Board Code of Conduct and there are mechanisms in place to deal with any Board disputes/conflicts to ensure they do not become wider issues that impact on the effectiveness of the Board. A Board Register of Interests is maintained, kept up to date and is publicly available to help provide transparency and promote public confidence in NIFHA.
- 5.7 Communication and relationships within the Board are underpinned by a spirit of trust and professional respect. The Board recognises that using consensus to avoid conflict

or encouraging members to consistently express similar views or consider only a few alternative views does not encourage constructive debate and does not give rise to an effective Board dynamic.

- 5.8 It is for the Board to decide what information it needs, and in what format, for its meetings/effective operation. If the Board is not confident that it is being fully informed about the organisation this will be addressed by the Chair of the Board as the Board cannot be effective with out-of-date or only partial knowledge.
- 5.9 In order to fulfil their duties, Board members must undertake initial training, and regular ongoing training and development. Review of Board skills and development will be a key part of the annual review of Board effectiveness.
- 5.10 A DAERA representative may be invited to or may request to attend, meetings of the NIFHA Board to discuss any current operational and/or strategic issues. Invitations will normally be for timed agenda items only. Any DAERA representative will be attending in an observer capacity.

# 6. Audit and Risk Assurance Committee

- 6.1 A further important aspect of NIFHA's governance framework is its Audit and Risk Assurance Committee, established in line with the Audit and Risk Assurance Committee Handbook (NI).
- 6.2 The Audit and Risk Assurance Committee's purpose is to support the Accounting Officer and Board on governance issues. In line with the handbook the Audit and Risk Assurance Committees focuses on:
  - Assurance arrangements over governance; financial reporting; annual reports and accounts, including the Governance Statement.
  - Ensuring there is an adequate and effective risk management and assurance framework in place.
- 6.3 NIFHA and DAERA have agreed arrangements in respect of Audit and Risk Assurance Committees which include:
  - Attendance by departmental representatives in an observer capacity at NIFHA's Audit and Risk Assurance Committee meetings.

- Access to NIFHA Audit and Risk Assurance Committee papers and minutes, with minutes forwarded to Sponsor Branch in a timely manner.
- Any input required from NIFHA's Audit and Risk Assurance Committee to the departmental Audit and Risk Assurance Committee.
- 6.4 Full compliance with the Audit and Risk Assurance Committee Handbook (NI) is an essential requirement. In the event of significant non-compliance with the handbook's five good practice principles (or other non-compliance) discussion will be required with the Department and a full explanation provided in the annual Governance Statement.
- 6.5 To fulfil its role, the Audit and Risk Assurance Committee will normally need to meet at least four times a year. Audit and Risk Assurance Committee meetings will normally be attended by the Accounting Officer, a representative of Internal Audit, and a representative from Sponsor Branch. A representative of External Audit will only be required to attend the Audit and Risk Assurance Committee if any issues are raised in the Auditor's Report to Those Charged with Governance (RTTCWG). Due to the independent nature of the Audit and Risk Committee, members should be both independent and objective. It is therefore considered good practice for the Chair to be excluded from membership of the Committee.
- 6.6 The Audit and Risk Assurance Committee Handbook (NI) is available on the DoF website.

### 7. NIFHA Chair

- 7.1 The Chair is responsible for setting the agenda and managing the Board to enable collaborative and robust discussion of issues. The Chair's role is to develop and motivate the Board and ensure effective relationships in order that the Board can work collaboratively to reach a consensus on decisions. To achieve this, they should ensure:
  - The Board has an appropriate balance of skills appropriate to its business by providing input into member competitions through a Skills Audit of the current Board.
  - Board members are fully briefed on terms of appointment, duties, rights and responsibilities.

- Board members receive and maintain appropriate training.
- The Minister is advised of NIFHA's needs when board vacancies arise. The Chair will contribute to the skills audit conducted to inform the skills and experience requirements for new members prior to the launching of a new appointments competition.
- There is a Board Operating Framework in place setting out the roles and responsibilities of the Board in line with relevant guidance.
- There is a code of practice for Board members in place, consistent with relevant guidance.
- An annual review of Board Effectiveness is undertaken which encompasses committees established by the Board.
- 7.2 The role also requires the establishment of an effective working relationship with the Chief Executive that is simultaneously collaborative and challenging. It is important that the Chair and Chief Executive act in accordance with their distinct roles and responsibilities as laid out in Managing Public Money and their appointment letters.
- 7.3 The Chair has a presence in the organisation and cultivates external relationships which provide useful links for the organisation while being mindful of overstepping boundaries and becoming too involved in day-to-day operations or executive activities.
- 7.4 The Chair is responsible for chairing Board Meetings and may assign other board members to chair sub-committees of the board. Additionally, the Chair will represent NIFHA at meetings with business groups and other stakeholders. A key element of the Chair's role is to engage with a range of industry and other relevant stakeholders and to represent the NIFHA at such engagements. Engagement with stakeholders should take place on a regular basis and particularly during the formulation of the NIFHA's strategic priorities.
- 7.5 The Chair also attends and presents to the joint NIFHA/DAERA Board Meetings. In addition, the Chair maintains good relationships across the organisation, including meeting staff to give leadership and strategic direction, in line with the NIFHA's aims and objectives.

7.6 The Chair takes responsibility for the NIFHA Board and leads the Board while building relationships with all Board Members and the NIFHA staff. The Chair is responsible for completing annual assessments for the CEO and for Board Members.

### 8. NIFHA Chief Executive

- 8.1 The role of the Chief Executive is to run NIFHA's business. The Chief Executive is responsible for all executive management matters affecting the organisation and for leadership of the executive management team.
- 8.2 The Chief Executive is designated as NIFHA Accounting Officer by the departmental Accounting Officer (see section 13). As Accounting Officer, they are responsible for safeguarding the public funds in their charge and ensuring they are applied only to the purposes for which they were voted and more generally for efficient and economical administration.
- 8.3 The Chief Executive is accountable to the Board for NIFHA's performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Board and its Committees. They maintain a dialogue with the Chair on the important strategic issues facing the organisation and for proposing Board agendas to the Chair to reflect these. They ensure effective communication with stakeholders and communication on this to the Board. They also ensure that the Chair is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the organisation.
- 8.4 The Chief Executive acts as a role model to other executives by exhibiting open support for the Chair and Board members and the contribution they make. The Chair and Chief Executive have agreed how they will work together in practice, understanding and respecting each other's role, including the Chief Executive's responsibility as Accounting Officer.
- 8.5 Further detail on the role and responsibilities of the Chief Executive are as laid out in Managing Public Money NI and their Accounting Officer appointment letter.

# The Chief Executive's role as Principal Officer for Ombudsman Cases

8.6 The Chief Executive is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. They shall advise the departmental Accounting Officer of any complaints about NIFHA accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman.

# 9. Partnership Working with NIFHA

- 9.1 DAERA and NIFHA are part of a total delivery system, within the same Ministerial portfolio and the partnership between them is open, honest, constructive and based on trust. There is mutual understanding of each other's objectives and clear expectations on the terms of engagement.
- 9.2 In exercising its functions, NIFHA must have absolute clarity on how its purpose and objectives align with those of DAERA. There must also be a shared understanding of the risks that may impact on each other, reflected in respective Risk Registers.
- 9.3 There is a regular exchange of skills and experience between DAERA and NIFHA and, where possible, arrangements for joint programme and project delivery boards should be put in place. NIFHA may also act as a partner in policy and strategy development, providing advice on policy implementation and the impact of policies in practice.
- 9.4 The Department of Finance (DoF) has established, on behalf of the Assembly, a delegated authority framework which sets out the circumstances where prior DoF approval is required before expenditure can be occurred or commitments entered into. The Accounting Officer of the DAERA has established an internal framework of delegated authority for the Department and its ALBs which apply to NIFHA. Other specific approval requirements established in respect of NIFHA as set out at Annex 3.
- 9.5 Once NIFHA's budget has been approved by the DAERA Minister [and subject to any restrictions imposed by statute], NIFHA shall have authority to incur expenditure approved in the budget without further reference to the Department. Inclusion of any planned and approved expenditure in the budget shall not, however, remove the need to seek formal departmental approval where proposed expenditure is outside the delegated limits (as laid out in Annex 3) or is for new schemes not previously agreed. Nor does it negate the need to follow due processes laid out in guidance contained in Managing Public Money NI and Better Business Cases NI.

# 10. Senior Sponsor

- 10.1 The department has appointed a Senior Sponsor at Grade 5 level to manage the relationship with NIFHA and ensure effective partnership working, supported by ALB Corporate Sponsor Branch. Engagement between the Department and NIFHA must be co-ordinated, collaborative and consistent and a clear sense of collaboration and partnership will be communicated to staff in both the Department and NIFHA in order to promote mutual understanding and support. Six-monthly Accountability meetings are held between the NIFHA CEO and Senior Sponsor with a shorter, informal meeting also being held between each Accountability meeting. The frequency of accountability meetings will be reviewed as part of the annual Partnership Agreement Review and may be subject to change.
- 10.2 Given the range of policy areas influenced by the work of NIFHA, the lead senior official acts as an enabler for policy leads, relying on their input and understanding in relation to NIFHA's business and NIFHA's responsibilities for policy implementation/operational delivery and the relevant audiences/stakeholders involved.
- 10.3 The lead senior official will ensure that where there are departmental staff changes, time is taken to ensure they have a full understanding of NIFHA's business and challenges.

# 11. Annual Engagement Plan

- 11.1 The Department and NIFHA will agree an engagement plan before the start of each business year. The Annual Engagement Plan (Annex 2) sets out the timing and nature of engagement between NIFHA and the Department. The engagement plan will be specific to NIFHA and should not stray into operational oversight.
- 11.2 Engagement between the Department's lead official/their teams and NIFHA will be centred on partnership working, understanding of shared risks and working together on business developments that align with policy objectives.

- 11.3 In line with relevant guidance<sup>1</sup>, NIFHA will work in collaboration and partnership with the Department to prepare corporate and business plans that align with the Department's Corporate and Business Plans. Once approved, NIFHA's Board will primarily be responsible for holding the Chief Executive to account for delivery and performance. The Department will engage with NIFHA on areas of strategic interest, linking departmental policy and NIFHA delivery of policy intent.
- 11.4 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year with the aim of ensuring a clear understanding of why information is necessary and how it will be used. Where the same, or similar information is required for internal governance, requirements will be aligned so that a single report can be used for both purposes. In addition, the engagement plan should consider opportunities for learning and development, growth and actions which could help achieve better outcomes.

# 12. Departmental Accounting Officer

- 12.1 The Departmental Accounting Officer is accountable to the NI Assembly for the issue of grant in aid to NIFHA. They have designated the Chief Executive of NIFHA as NIFHA Accounting Officer and respective responsibilities of the departmental Accounting Officer and the NIFHA Accounting Officer are set out in Chapter 3 of Managing Public Money Northern Ireland (MPMNI). The departmental Accounting Officer may withdraw the NIFHA Accounting Officer designation if they conclude that the NIFHA Accounting Officer is no longer a fit person to carry out the responsibilities of an Accounting Officer or that it is otherwise in the public interest that the designation be withdrawn. In such circumstances, the NIFHA Board will be given a full account of the reasons for withdrawal and a chance to make representations. Withdrawal of NIFHA Accounting Officer status would bring into question employment as Chief Executive and the Chair should engage with the Department should such circumstances arise.
- 12.2 As outlined in section 9, the NIFHA Chief Executive is accountable to the NIFHA Board for their stewardship of NIFHA. This includes advising the Board on matters of

<sup>&</sup>lt;sup>1</sup> Guidance issued by TEO on NICS Work Programme which includes guidance on business planning for an outcomes-based PfG/ODP

financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.

- 12.3 The departmental Accounting Officer must be informed in the event that the judgement of the NIFHA Accounting Officer (on matters for which they are responsible) is over-ridden by the NIFHA Board. The NIFHA Accounting Officer must also take action if the NIFHA Board is contemplating a course that would infringe the requirement for financial propriety, regularity, prudent and economical administration, efficiency or effectiveness. In all other regards, the departmental Accounting Officer has no day-to-day involvement with NIFHA or its Chief Executive.
- 12.4 In line with DoF requirements, the NIFHA Accounting Officer will provide a quarterly declaration of fitness to act as Accounting Officer to the departmental Accounting Officer.

# 13. Attendance at Public Accounts Committee

- 13.1 The NIFHA Chief Executive/Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as Accounting Officer (as laid out in their Accounting Officer appointment letter) on issues arising from the Comptroller & Auditor General's (C&AG) studies or reports following the annual audit of accounts.
- 13.2 The Chair may also, on occasion, be called to give evidence to the Public Accounts Committee on such relevant issues arising within the C&AG's studies or reports, in relation to the role and actions taken by the Board, where appropriate.
- 13.3 In addition, the DAERA Accounting Officer may be summoned to appear before the Public Accounts Committee to give evidence on the discharge of their responsibilities as departmental Accounting Officer with overarching responsibility for NIFHA. In such circumstances, the departmental accounting Officer may therefore expect to be questioned on their responsibilities to ensure that:
  - There is a clear strategic control framework for the NIFHA.
  - Sufficient and appropriate management and financial controls are in place to safeguard public funds.

- The nominated Accounting Officer is fit to discharge his or her responsibilities.
- There are suitable internal audit arrangements.
- Accounts are prepared in accordance with the relevant legislation and any accounting direction.
- Intervention is made, where necessary, in situations where the NIFHA
   Accounting Officer's advice on transactions in relation to regularity, propriety or
   value for money is overruled by the body's Board or its Chair.

# 14. Autonomy and Proportionality

- 14.1 DAERA will ensure that NIFHA has the autonomy to deliver effectively, recognising its status as a separate legal entity which has its own Board and governance arrangements. Guidance on proportionate autonomy has been considered in determining the extent of engagement and assurance established between NIFHA and DAERA and is reflected in this agreement.
- 14.2 A proportionate approach to assurance will be taken based on NIFHA's overall purpose, business and budget and a mutual understanding of risk. The approach will include an agreed process through which the NIFHA Accounting Officer provides written assurance to the Department that the public funds and organisational assets for which they are personally responsible are safeguarded, have been managed with propriety and regularity, and its use of public funds represents value for money.
- 14.3 Recognising the governance arrangements in place within the organisation, the NIFHA Accounting Officer will arrange for their written assurance to be discussed at the NIFHA Audit and Risk Assurance Committee and presented to the NIFHA Board prior to submission to the Department where possible. If not possible, or practicable, the NIFHA Chair should have sight of the assurance statement, prior to being submitted to the Department.
- 14.4 The NIFHA Chair will provide written confirmation that the NIFHA Accounting Officer's formal assurance has been considered by the Board and is reflective of NIFHA's current position.
- 14.5 In addition to the NIFHA Accounting Officer's written assurance, the Department will take assurance from the following key aspects of NIFHA's own governance framework:
  - Annual Review of Board Effectiveness.
  - Completion of Board Appraisals which confirm Board member effectiveness.
  - Internal Audit assurance and External Quality Assessment of the Internal Audit function.

- Externally audited Annual Report and Accounts, reviewed/considered by the NIFHA Audit and Risk Assurance Committee.
- Information provided for NIFHA's Audit and Risk Committee meetings.

# 15. Board Effectiveness

- 15.1 The NIFHA Chair will ensure that the NIFHA Board undertakes an annual review of Board Effectiveness<sup>2</sup> which encompasses committees established by the Board.
- 15.2 The Chair will discuss the outcome of the annual review of Board Effectiveness with the lead official to ensure a partnership approach to any improvements identified. This will inform the annual programme of Board training and development and discussions in respect of Board composition and succession.
- 15.3 In line with any parameters set out in founding (or other) legislation, the Chair, in conjunction with the Department, and Ministers where appropriate, will consider the size and composition of the NIFHA Board, proportionate to the size and complexity of NIFHA and keep this under review.
- 15.4 In addition to the annual review of Board Effectiveness, NIFHA will undertake an externally facilitated review of Board effectiveness at least once every three years covering the performance of the Board, its Committees and individual Board members. The Chair will liaise with the Department to identify a suitably skilled facilitator for the external review (this can be a peer review and should be proportionate) and will share the findings/outcome report with the Department on completion of the review.

# 16. Board Appraisals

16.1 The Chair of NIFHA will conduct an annual appraisal in respect of each Board member which will also inform the annual programme of Board training and development. The Chair will engage with the Chief Executive/lead official as appropriate on improvements identified through the appraisal process and the annual training/development programme.

<sup>2</sup> NIAO Good Practice Guide on Board Effectiveness

16.2 The Chair's annual appraisal will be completed by the DAERA Senior Sponsor. The appraisal will take account of the Key Characteristics of a good chairperson (particularly for the Chair to have well developed interpersonal skills) set out in the NIAO Board Effectiveness - Good Practice Guide available on the NIAO website. There will be close engagement between the Chair and the lead official on improvements identified through the appraisal process.

# 17. Internal Audit Assurance

- 17.1 NIFHA is required to establish and maintain arrangements for an internal audit function that operates in accordance with the Public Sector Internal Audit Standards (PSIAS). DAERA must be satisfied with the competence and qualifications of the Head of Internal Audit and that the requirements for approving appointments are in accordance with PSIAS.
- 17.2 In the event that the internal audit function is contracted out, NIFHA shall ensure DAERA is satisfied that the contract specification for the internal audit service meets the requirements of PSIAS.
- 17.3 NIFHA will provide its internal audit strategy, periodic audit plans and annual audit report, including the Head of Internal Audit's opinion on risk management, control and governance to the Department. NIFHA will ensure DAERA's internal audit team have complete right of access to all relevant records. This applies whether the internal audit function is provided in-house or is contracted out.
- 17.4 NIFHA will ensure regular, periodic self-assessments of the internal audit function in line with PSIAS and will share these with the Department. NIFHA will also liaise with the Department on the External Quality Assessment (EQA) of the internal audit function which (in line with PSIAS) is required to be conducted at least once every five years by the Head of Internal Audit.
- 17.5 NIFHA will alert the Department to any less than satisfactory audit reports at the earliest opportunity on an ongoing basis. NIFHA will also alert the Department to a less than satisfactory annual opinion from the Head of Internal Audit at the earliest opportunity. NIFHA and the Department will then engage closely on actions required

to address the less than satisfactory opinion in order to move NIFHA to a satisfactory position as soon as possible.

17.6 The Department will take assurance from the fact that NIFHA has met the requirements of PSIAS and has a satisfactory annual opinion from the Head of Internal Audit as part of its overall assurance assessment.

# 18. Externally Audited Annual Report and Accounts

- 18.1 NIFHA is required to prepare an Annual Report and Accounts in line with the Government Financial Reporting Manual (FReM) issued by the Department of Finance (DoF) and the specific Accounts Direction issued by DAERA and in accordance with the deadlines specified.
- 18.2 NIFHA's external auditors will arrange to audit the NIFHA's annual accounts and will issue an independent opinion on the accounts. NIFHA passes the accounts to DAERA who shall lay them before the NI Assembly, together with NIFHA's annual report.
- 18.3 The external auditor will also provide a Report to Those Charged with Governance (RTTCWG) to the NIFHA Board which will be shared with the Department.
- 18.4 NIFHA will alert the Department to any likely qualification of the accounts at the earliest opportunity. In the event of a qualified audit opinion or significant issues reported in the RTTCWG, the Department will engage with NIFHA on actions required to address the qualification/significant issues.
- 18.5 The Department will take assurance from the external audit process and an unqualified position as part of its overall assurance assessment.
- 18.6 The external auditor may carry out examinations into the economy, efficiency and effectiveness with which NIFHA has used its resources in discharging its functions. The auditor may also carry out thematic examinations that encompass the functions of NIFHA.

- 18.7 For the purpose of audit and any other examinations, the external auditor has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.
- 18.8 Where making payment of a grant, or drawing up a contract, NIFHA should ensure that it includes a clause which makes the grant or contract conditional upon the recipient or contractor providing access to the external auditor in relation to documents relevant to the transaction. Where subcontractors are likely to be involved, it should also be made clear that the requirements extend to them.

# **Signatories**

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

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Signed (NIFHA Chair)

Date 04/11/2024

Signed (NIFHA Chief Executive)

Date 05/11/2024

Signed (David Simpson DAERA)

Date 08/11/2024

# 19. Document Version Control and Review

19.1 Any amendments to this document should be recorded in the table below.

VERSION	DATE	AUTHOR	SUMMARY OF REVISIONS
0.1	8 February 2024	Phil Kernaghan	Draft document created.
0.2 1 March 2024		Phil Kernaghan	Draft document updated to reflect discussion and agreed changes following PAEP workshop on 29/2/24.
0.3	9 April 2024	Phil Kernaghan	Delegated limits updated following DoF approval.
0.4	14 October 2024	Tracey Convery	Finalise document update page numbers remove references to draft.
0.5	31 October 2024	Tracey Convery	Final draft for signature
1.0	12 November 2024	Tracey Convery	Issued and Effective From

# **Annex 1 - Applicable Legislation**

List the founding legislation and other key statutes which provide NIFHA with its statutory functions, duties and powers.

NIFHA is established under the Harbours Act (Northern Ireland) 1970 and the Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973.

The constitution of NIFHA is set out in Part II Article 5 of the Order.

# **Annex 2 – Annual Engagement Plan**

Good engagement is one of the key principles in the Partnership Code, underpinning the other principles of: Leadership; Purpose; Assurance; and Value.

As laid out in the Code, partnerships work well when relationships between departments and ALBs are open, transparent, honest, constructive and based on trust and when there is mutual understanding of each other's objectives and clear expectations about the terms of engagement.

Engagement Plan 2024/25					
Policy Development and Delivery					
Description of Engagement	Frequency/Timing	Lead Departmental/NIFHA Officials			
Director of Marine & Fisheries Division (MFD) meeting with NIFHA CEO	Quarterly	DAERA Director of Marine and Fisheries Division and NIFHA CEO			
NIFHA Capital Projects Grant Funding - Progress of Grant Applications	Quarterly or as required	DAERA Sea Fisheries Policy Branch and NIFHA CEO			
Marine Licensing, Marine Litter Issues and Progress to Net Zero meetings	Annually	DAERA Marine Licencing Branch and NIFHA CEO			
MFD staff to attend NIFHA Board meetings for items of interest on the agenda	Quarterly or upon invitation	DAERA Marine and Fisheries Division, NIFHA Board, NIFHA CEO (Senior Sponsor and Sponsor Branch representatives may also attend if relevant)			
Ministerial meeting with NIFHA Chair	Annually	DAERA Minister, DAERA Senior Sponsor (G5), NIFHA Chair (while the Permanent Secretary may be present at part of this meeting, there should be time for the Minister to talk to the Chair on a one-to-one basis).			
Strategic Planning					
Description of Engagement	Frequency/Timing	Lead Departmental/NIFHA Official			
Strategic Planning Workshops – encompassing strategic planning and risk identification. Informed by input on departmental priorities/plans and risk areas	Annually (as a minimum).  As required but sufficiently well in advance of the Business Year to	DAERA Senior Sponsor (G5) and Sponsor Branch G7, Director of Marine and Fisheries Division (G5), NIFHA CEO and NIFHA Board			

inform development of the Business Plan for the year ahead	
October – March	DAERA Senior Sponsor (G5) and Sponsor Branch G7, NIFHA CEO and DAERA policy leads
NIFHA should forward DAERA a final copy of the business plan for approval by 1st March each year	NIFHA CEO
Confirmation of DAERA's approval should be received by NIFHA before 1st April	DAERA Minister
Throughout the year	DAERA Senior Sponsor (G5) and Sponsor Branch G7, NIFHA CEO and DAERA Director of Marine and Fisheries Division (G5)
Annually	NIFHA CEO
Frequency/Timing	Lead Departmental/NIFHA Official
Annually	DAERA Permanent Secretary, DAERA Sponsor Branch, DAERA Corporate Support Branch/ Permanent Secretary's Office, NIFHA Chair, Board Members and CEO
Quarterly	DAERA SRO (once appointed) and NIFHA CEO Updates on the relevant supporting FSDP work will also form part of quarterly meeting
	development of the Business Plan for the year ahead  October – March  NIFHA should forward DAERA a final copy of the business plan for approval by 1st March each year  Confirmation of DAERA's approval should be received by NIFHA before 1st April  Throughout the year  Annually  Frequency/Timing  Annually

		between MFD Director and NIFHA CEO
End of Life Vessels Working Group	Minimum of two meetings per year	NIFHA CEO, DAERA Sponsor Branch G7, DAERA Marine Licensing G7, DAERA Marine Conservation and Reporting G7, DAERA Sea Fisheries Policy and Grants G7, DAERA Chief Fisheries Officer
Operational update	Monthly	DAERA Sponsor Branch G7, NIFHA CEO
Senior Sponsor meeting with NIFHA Chair	Quarterly	DAERA Senior Sponsor (G5), NIFHA Chair
Deputy Secretary meeting with NIFHA Chair	Biannually	G3 SPCSG, NIFHA Chair
<b>Board Appointments / Chief B</b>	Executive Recruitme	nt
Description of Engagement	Frequency/Timing	Lead Departmental/NIFHA Official
Chair and Member recruitment	As and when required	Senior Sponsor, NIFHA Chair
Chief Executive recruitment	As and when required	DAERA Senior Sponsor, NIFHA Chair and DAERA Permanent Secretary
Assurances		
Action	Frequency/Timing	Lead Departmental/NIFHA Official
Outcome of the Review of Board Effectiveness	Annual review with an externally facilitated review at least once every three years	NIFHA Chair
Planning for the externally facilitated review of Board Effectiveness	Externally facilitated review at least once every three years	NIFHA Chair
Board Appraisals and planned training/ development for Board members	Following the end of the Business year	Undertaken annually by Chair supported by Sponsor Branch and reported to DAERA
Chair Appraisal	Following the end of the Business year. After Board Appraisals have	Senior Departmental official (usually the Senior Sponsor (Gd5)

	been completed by the Chair and the annual Review of Board Effectiveness has concluded	
Departmental Attendance at ARAC	Attendance as observer at all meetings of NIFHA's ARAC	Sponsor Branch (G7)
Accountability Meetings	Biannually (an informal meeting may also be held between each Accountability meeting).	NIFHA CEO and Accounts Administrator, DAERA Senior Sponsor and Sponsor Branch (G7 and DP)
Assurance Statement	Quarterly	NIFHA Chair, DAERA Senior Sponsor and Sponsor Branch (G7)
Draft Governance Statement	Annually	Facilitated by NIFHA CEO, draft reviewed by EMT, ARAC and Board as part of the Annual Report and Accounts. NIFHA provide draft of these to Financial Policy Branch in DAERA for Review
Annual Report and Accounts	Annually	As above
Report to those Charged with Governance	Annually	Copy of Draft RTTCWG shared with DAERA routinely as part of ARAC papers
Engagement on other planned NIAO reports	As required	NIFHA keep DAERA fully informed of any NIAO reports via CEO
Head of Internal Audit Annual report/Opinion	Annually	Provided to DAERA routinely as part of ARAC papers
Internal Audit Strategy and Plans	Annually	Protocol in place between NIFHA, DAERA and Internal Audit whereby Internal Audit meet with DAERA to discuss coverage in the internal audit plan. Draft and Final plans are provided to DAERA routinely as part of ARAC papers

Internal Audit External Quality Assessment	To be conducted at least once every five years	Head of Internal Audit, DAERA Senior Sponsor (G5), Head of Sponsor Branch (G7)
Budget Management		
Item and Purpose	Frequency/Timing	Lead Departmental/NIFHA Official
Engagement on budget requirements and Forecast Expenditure for the Financial Year	Annually	Engagement with Department and Draft budget submitted for approval
Departmental approval of the annual budget	Annually	Approved by DAERA Minister (or Departmental Board in the absence of a Minister) as part of annual Business Plan
Monthly Financial Management Returns	Monthly	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch
Monthly Cash Forecast	Monthly	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch
Monitoring Round and Profiling Returns	Quarterly	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch
Provisional Outturn	Annually	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch
Final Outturn	Annually	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch
Completion of Provisional Outturn and Consolidated Group Accounts	Annually (once NIFHA's draft accounts are available) and ad- hoc meetings throughout the accounts/audit process	DAERA Finance Director, Deputy Finance Director and Head of Financial Reporting Branch, NIFHA CEO, NIFHA Finance
Information Gathering Exercises for Rolling three- year Capital and Resource Budgets.	As required	Provided by NIFHA Finance to ACSB/DAERA Financial Reporting Branch

Other		
Item and Purpose	Submission Date	Lead Departmental/NIFHA Official
Accounting Officer - Fitness to Act as Accounting Officer	Quarterly update included as part of the Assurance Statement	Requirement to undertake Accounting Officer training on taking up post
Fraud Reporting	Immediate reporting of all frauds (proven or suspected including attempted fraud	Department will report frauds immediately to DoF and C&AG.  NIFHA CEO immediately notify DAERA and C&AG cases of fraud or attempted / suspected fraud
Fraud Reporting	Annual fraud return commissioned by DoF on fraud and theft suffered by NIFHA	NIFHA CEO provides quarterly returns to DAERA and reports quarterly to EMT and ARAC on fraud
Media management protocols  – independence of NIFHA to engage with media/announcements of corporate and policy communications significant to NIFHA - arrangements to share press releases where relevant – ensure no surprises.	As required	NIFHA CEO liaises with DAERA on any potential news announcements
Preparation of business cases  – DAERA and NIFHA to consider working together to share expertise where appropriate.	As required	NIFHA provide Business Cases for approval by DAERA and DoF as per the delegated authority levels in the Partnership Agreement  DAERA undertake test drilling to provide feedback to NIFHA on
Board Minutes	Draft minutes to be sent to Sponsor Branch within 15 working days of the meeting once approved by Chair	general quality issues  Draft and final minutes of NIFHA Board meetings to be forwarded to Sponsor Branch and final minutes published on NIFHA's website
	Final minutes to be sent to Sponsor	

	Branch and published in a timely manner	
NIFHA input into DAERA ARAC Meetings	Quarterly	NIFHA CEO, DAERA Sponsor Branch, DAERA GEUFB
NIFHA ARAC minutes	Minutes to be sent to Sponsor Branch in a timely manner	Draft and final minutes of NIFHA ARAC meetings to be forwarded to Sponsor Branch
Raising a Concern	As required	NIFHA advise DAERA on any Raising a Concern cases and outcomes
Cyber Security/Data Protection	Biennially	Data Protection & Information Management Branch G7
Review of the Partnership Art	angement	
Item and Purpose	Frequency/Timing	Lead Departmental/NIFHA Official
Item and Purpose  Review effectiveness of Partnership Agreement & Engagement Plan ('light touch review')		-

# **Delegated authorities**

NIFHA shall obtain the Department'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 NIFHA's annual budget as approved by the Department;
- 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 Department;
- making any change of policy or practice which has wider financial implications that might prove repercussive, or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in Managing Public Money Northern Ireland.

# **NIFHA's Specific Delegated Authorities**

These delegated expenditure limits have been agreed by the Department and the Department of Finance (DoF).

# 1. Purchasing all goods, services and works

Table 1:	Delegated Authority for the Purchase of Goods Services and Works (All costs exclude VAT)			
Thresholds			Number / Type of Tender required	Authorisation
£0	to	£1,000	Value for money check	Chief Executive
			Oral Quotations	Accounts Administrator
			(confirmed by email)	Project Manager
			Internet Price	Harbour Masters
			Comparison	Environment Officer
			Record of Checks made	
			retained on file for audit	
			purposes	
>£1,000	to	<£15,000	Value for money check	Chief Executive
			2/3 Oral Quotations (confirmed by email)	

			Internet Price Comparison Record of Checks made retained on file for audit purposes	
> £15,000	to	<£30,000	Minimum of 2 tenders	The Chief Executive with the approval of NIFHA Board
>£30,000	to	Above UK Thresholds	Publicly advertised tender competition in line with most recent DoF procurement guidance	The Chief Executive With prior approval of NIFHA Board and DAERA Sponsorship Branch

# **Economic Appraisal**

The principles of economic appraisal should be applied in all cases where expenditure is proposed, whether the proposal involves capital or current expenditure, or both. The effort put into economic appraisal should be commensurate with the size or importance of the needs or resources under consideration. NIFHA should consult the relevant DoF guidance and, if required, liaise with DAERA on the level of economic appraisal needed. However, a comprehensive business case should be undertaken for all projects involving expenditure of £250,000 and over.

# Where the minimum number of tenders is not obtained

NIFHA must keep a record of tenders sought and make this available to DAERA upon request.

All Direct Award Contracts over £30,000 must be approved, via the Sponsor Branch, by the Director of Marine and Fisheries Division, and DAERA's Financial Policy Branch.

# 2. <u>Capital projects</u>

The Chief Executive may authorise capital expenditure on discreet capital projects of up to £50,000. Capital projects over this amount require the approval of DAERA and may be subject to quality assurance by DoF if requested.

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

# 3. <u>Disposal of surplus equipment</u>

NIFHA should dispose of surplus equipment in a most cost-effective method subject to all relevant legislation.

# 4. <u>Lease and rental agreements</u>

All land lease and property rental contracts, which NIFHA enter into, should be approved by DAERA where such lease and rental contracts are not consistent with Article 7 of the Northern Ireland Fishery Harbour Authority Order (NI) 1973.

# 5. Approval of information technology projects

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

The principles of appraisal evaluation and management apply equally to proposals supported by Information Communication Technology (ICT) as to all other areas of public expenditure. ICT enabled projects should be appraised and evaluated according to the general guidance in Better Business Cases NI and the relevant DoF guidance.

The purchase of IT equipment and systems should be in line with the relevant DoF guidance and the subject of competitive tendering unless there are convincing reasons to the contrary. The form of competition should be appropriate to the value and complexity of the project, and in line with the Procurement Control Limits in Table 1. Delegated authority for each IT project is set out in Table 2.

Table 2:	Delegation Arrangements for Information Technology Projects, Systems and Equipment (All costs exclude VAT)		
Thresholds		Authorisation	
Up to £1,000		Accounts Administrator	
Up to £5,000		The Chief Executive	
Projects over £5,000		The Chief Executive, with prior approval from	
		DAERA	

# 6. <u>Engagement of Consultants</u>

# General

NIFHA has authority to appoint consultants for a single contract without recourse to DAERA up to a total cost of £10,000, and subject to any guidance as may be issued by DoF or DAERA.

# **Economic Appraisal**

A Full Business Case (FBC) should be prepared for all consultancy assignments expected to exceed £10,000. A proportionate business case should be prepared for all assignments below this threshold.

# 7. Losses and special payments

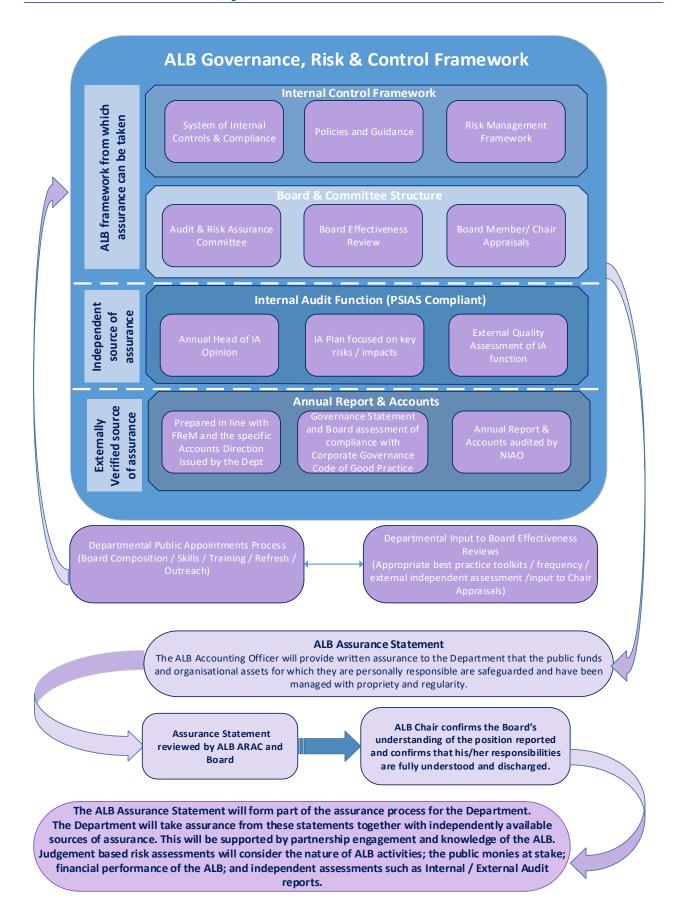
The Chief Executive, with prior approval from NIFHA Board, will have the authority to write off losses and make special payments up to:

- (a) Cash losses up to £5,000 per case/incident
- (b) Stores/Equipment losses up to £10,000 per case/incident
- (c) Constructive losses and fruitless payments up to £5,000 per case
- (d) Compensation payments
  - Made under legal obligation, e.g. by Court Order up to £5,000 per case plus reasonable legal expenses
  - ii. For damage to personal property of staff up to £5,000 per case
  - iii. Where written legal advice is that NIFHA should not fight a court action because it is unlikely that it would win (up to £10,000 per case), or as determined in consultation with the Authority's insurers where relevant insurance cover is in place.
- (e) Claims abandoned or waiver of claim up to £5,000 per case
- (f) Extra contractual payments up to £5,000 per case
- (g) Ex gratia payments up to £5,000 per case (Pensions payments are not covered by this threshold)
- (h) Extra statutory and extra regulatory payments no delegation, all proposals must be submitted to DAERA for approval.

The prior approval of DAERA must be obtained for amounts above these values. Where total losses exceed £10,000 in any financial year, an explanatory note should be included in NIFHA's accounts.

Details of all losses and special payments should be recorded in a Losses and Special Payments Register, which will be available to auditors. The Register should be kept up-to-date and should show evidence of the approval by the Chief Executive and DAERA, where appropriate.

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



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

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

While Board Members are Public Appointees/office holders rather than NIFHA employees an NIFHA employee may utilise NIFHA grievance procedure/other HR procedure to raise a complaint against a Board member. The NIFHA employee raising the grievance should expect this to be handled in line with NIFHA'S HR procedures.

Concerns/complaints might also be raised through:

- Raising Concerns/Whistleblowing arrangements;
- Complaints processes;
- Directly with NIFHA or the Department.

Where a concern/complaint is received within NIFHA in respect of an individual Board Member this should be provided to the NIFHA Chair who should notify the Department at the outset in order that lead responsibility for handling the complaint/concern is clear in advance.

Where a concern/complaint relates to the NIFHA Chair, NIFHA should notify the Department at the outset for the Department to determine the approach to handling the complaint/concern.

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

Exceptionally a concern/complaint may be raised by a Board Member about a fellow Board Member or a senior member of NIFHA staff. The NIFHA Chair should notify the Department at the outset to ensure that arrangements for handling the concern/complaint are clear. The Department may determine that it should make arrangements to deal with the concern/complaint. This will be agreed at the outset.

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

# **Annex 6 - Applicable Guidance**

The following guidance is applicable to NIFHA

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

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

# Other Guidance and Best Practice

- Specific guidance issued by the Department
- EU Delegations
- Recommendations made by the NI Audit Office/NI Assembly Public Accounts Committee
- NIAO Good Practice Guides
- Guidance issued by the Executive's Asset Management Unit
- NI Public Services Ombudsman guidance

# Annex 7 - Role of the Minister

### Role of the Minister

The Chair of NIFHA is responsible to the Minister. Communication between the Board and the Minister should normally be through the Chair.

The departmental Accounting Officer is responsible for advising the relevant Minister on a number of issues including the NIFHA objectives and targets, budgets and performance.

In addition to being answerable to the Assembly as laid out in paragraph 3.4, the Minister is also responsible for:

- Setting the strategic direction and overall policies and priorities for the NIFHA as reflected in the PfG;
- Approving the NIFHA's Business Plan;
- Setting the NIFHA's budget; and
- Appointment of non-executive board members. The Minister may also be involved in considering the size and composition of the NIFHA Board see para 16.3.

# Annex 8 – Partnerships between Departments and Arm's Length Bodies: NI Code of Good Practice

# **NI Code of Good Practice**

Available by clicking <u>here</u>