

6.01 Standards of Conduct, Section 6 Private Occupations

Policy and procedure feedback from FHRAG

Dept	No	Document	Feedback comments and/or suggested amendments	HR Policy Team response	Draft policy amended? Yes/No
TEO	1	Annex 10, Para 3.1	<p>I absolutely endorse the approach, agree that the previous dispensation granted by PSS should be revoked and wonder should we be even more explicit in para 3.1.</p> <p>Whilst it is clear staff must take unpaid leave, should we add that paid leave is not possible just to make it abundantly clear this is off limits for reasons of double payment.</p>	Given the subsequent comments below regarding flexi leave/partial retirement etc, we will provide further guidance/clarification in FAQs.	N/A FAQs created.
	2		Just to add the gloss that you are already considering poll clerks, where special considerations may apply because of the needs of the Electoral Office.	Engagement with the Electoral Office to establish level of their reliance on serving civil servants and the expected impact it will have on them to deliver their service, in particular in rural areas.	N/A
Dfl	3	Section 6	I have no real issues with this either way, but we should certainly prepare for challenge along the lines of “custom and practice” re the removal of a “benefit” that had been in place for a time.	Noted.	N/A
DE	4		Noted and content.	Noted.	N/A

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NICSHR	5	Annex 10, para 4.1	Tracked changes to pension abatement.	Accepted.	Yes
	6		Comment "Not sure if this is required anymore if unpaid leave is to be taken to undertake the other work. Plus no abatement applies under alpha."	This paragraph may be removed if (i) there is no requirement for it with unpaid leave (ii) there are no exceptions required.	
	7		Any impact assessment of this change is likely to indicate that this will have significant ramifications for Electoral office operations and Census amongst other things that are for the most part for the wider societal benefit. - could a solution of short term 'on loans' be considered or an annex built into the secondment or mobility policy as some sort of remedy for this issue as there is likely to be significant political pressure if this policy change leads to staff not putting themselves forward for electoral office support?	Census work may be carried out at weekends and evenings. Engagement will take place with the Electoral Office to assess impact. Where the overriding factor is the requirement to prevent double payment from the public purse, Electoral Office recruitment and retention arrangements may need to adjust.	N/A
	8		Should there be a reference to the number of days unpaid leave allowable being at the discretion of management? We had query on this previously and the Policy advice given was:	Special Leave policy is referenced.	Yes. Also detail in FAQs

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			<p><i>There is no upper limit referred to in the Special Leave policy for unpaid leave. Really, the limit would be determined by how the absence could be managed operationally- e.g if for extended blocks of time would management need to put acting up arrangements in place etc. As with annual leave, there is no automatic entitlement to this leave as Business needs must take priority. If the amount of absence is adversely affecting the running of the Branch this may be an issue which should be raised through to senior management to have an involvement in.</i></p>		
	9		<p>It may also be worth considering moving the reference to the HRConnect approval process and form (paras 2.2 and 2.3) to a user guide or FAQ to try and keep system processes separate from policy to future proof?</p>	<p>We will develop a Quick Reference Guide & FAQs to support the application process.</p>	<p>Yes.</p>
DoJ	10		<p>There may be some resistance to the change in policy but I support a consistent approach. What is less clear is the current reliance on civil servants and what the impact might be if they choose not to continue in those roles.</p>	<p>As above re consultation with EO.</p>	<p>N/A</p>
	11		<p>Individuals are paid on annual leave days and the importance of a rest/break from work should not be under-estimated given the current workloads. However, if</p>	<p>Salary does not increase as flexi leave accrues. Payment occurs when salary is</p>	<p>Clarified in FAQs</p>

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			someone builds up flexi leave, and takes a flexi day leave – they have been paid for work already done the work. This may offer at least some flexibility that people could work and be paid for their contractual hours but still be involved elsewhere.	received for time not attending and therefore meets definition of double payment. As noted above, if there is no reduction from monthly salary, it is paid time off.	
PPS	12		The proposed change makes the rules much clearer, although I would expect opposition from TUS and others.	Noted.	N/A
	13		I note that approval must now be sought from Grade 5s in Business Areas, previously it was NICS HR. I would be concerned that this will lead to an increase in informal arrangements and lack of consistency rather than more. It would be helpful to understand the rationale for that particular change to the policy.	<p>The proposed change of approver follows the strategic direction of NICS to give managers and business areas appropriate authority to make decisions about their own people.</p> <p>People & OD has undertaken to issue regular reminders about the rules to staff and managers, which will direct to the correct procedure and which we hope will promote better consistency in the raising and recording</p>	N/A

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				of requests. Business areas are in the best position to understand the role of the applicant and whether there are conflicts which would impact on the approval process.	
DfE	14		While I understand the approach recommended in paragraph 8 'removal of the Standards of Conduct policy provision which allows a proportion of paid leave to be used for the purposes of working for another public sector body' the reasons for not adopting that approach in 2015, still stand (para 5 & 6).	Noted.	N/A
	15		As noted there would be impact specifically for the Electoral Office (if staff are advised that they cannot use holiday leave or flexi leave) and the Electoral Office would need to assist with implementing this approach.	Noted.	N/A
	16		Also the policy would need to address how this approach would affect those staff with Alternative Working Patterns e.g. 5 over 4 or partial retirement.	The policy applies to part-time/compressed hours/partially retired employees in the same way. They are not permitted to take paid time off from	Clarified in FAQs

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				their duties to work for another public sector body.	
DOH	17		No response		N/A
DAERA	18		<p>Thank you for sight of the draft revision which I would be supportive of for reasons you have stated, noting further consultation will be taking place with TUS.</p> <p>I also welcome that People & Organisational Development will issue regular communication to all staff about the rules, similar to six-monthly reminders about the Code of Ethics.</p>	Noted.	N/A