

**Partnership Agreement between  
The Executive Office and the  
Office of the Attorney General  
for Northern Ireland**

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## Introduction

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### 1. The Partnership Agreement

- 1.1 This Document sets out the way the Office of the Attorney General for Northern Ireland (OAGNI) and The Executive Office (TEO) will work together to ensure that effective corporate governance arrangements are in place and that the statutory remit to ensure the OAGNI's independence is fulfilled.
- 1.2 The partnership is based on a mutual understanding of strategic aims and objectives; clear accountability; and a recognition of the distinct roles of each party. Underpinning the arrangements are the principles set out in the NI Code of Good Practice ***'Partnerships between Departments and Arm's-Length Bodies'***<sup>1</sup> which should be read in conjunction with this document. The principles which are laid out the Code are:

LEADERSHIP
<i>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, instill confidence and trust and empower their respective teams to deliver good outcomes for citizens.</i>
PURPOSE
<i>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.</i>

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<sup>1</sup> OAGNI is not an Arm's Length Body but operates under the 'arm's length principle'. See paragraph 5.1

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

A full copy of the NI Code can be found at [Annex 6](#).

1.3 The OAGNI and TEO are committed to:

- Maintaining open and honest communication and dialogue;
- Keeping each other informed of any issues and concerns, and of emerging areas of risk;
- Acting at all times in the public interest and in line with the values of integrity, honesty, objectivity and impartiality.

1.4 The effectiveness of this Agreement and the associated Engagement Plan will be reviewed each year by the OAGNI and TEO in order to assess whether it is operating as intended and to identify any emerging issues / opportunities for enhancement. This can be carried out as part of existing governance arrangements. The document will 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 the OAGNI's size and overall responsibilities and will be published on OAGNI's and TEO's websites as soon as practicable following completion.

- 1.5 A copy of this agreement has been placed in the Assembly Library and is available on OAGNI's and TEO's websites.

## **Attorney General Establishment and Purpose**

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### **2. Background and Statutory Purpose**

- 2.1 The Justice (Northern Ireland) Act 2002 establishes the Attorney General for Northern Ireland as a statutory and independent office holder within the devolved administration of Northern Ireland. The functions and responsibilities of the Attorney General comprise both statutory duties and common law duties and these are detailed in section 4 below.
- 2.2 The Attorney is appointed by the First Minister and deputy first Minister acting jointly and works closely with Executive Ministers in the role as the Executive's chief legal adviser. However, by virtue of section 22(5) of the Justice (Northern Ireland) Act 2002 the Attorney General's functions are exercised independently of any other person. The Attorney General is statutorily independent of the First Minister and deputy First Minister, the Northern Ireland Executive, and the Northern Ireland Departments.
- 2.3 Section 22(3) of the Justice (Northern Ireland) Act 2002 informs that the office of the Attorney General is to be funded by the First Minister and deputy First Minister acting jointly. The financial expenditure of the Office of the Attorney General is included in the Annual Report and Accounts of The Executive Office. Subject to the approval of the First Minister and deputy First Minister as to numbers, salary and other conditions of service, the Attorney General may appoint staff to the Office of the Attorney General.

### **3. AGNI Status**

- 3.1 The Attorney General for Northern Ireland (AGNI) is statutorily independent of the First Minister and deputy First Minister, the Northern Ireland Executive and the Northern Ireland Departments as provided for in of section 22(5) of the Justice (Northern Ireland) Act 2002.
- 3.2 A Concordat agreed in 2010, between the then First Minister, deputy First Minister and the AGNI, sets out the arrangements for safeguarding the

independent position of the AGNI including establishing the relationships between the Office of the AGNI and TEO will be governed by the 'arm's length principle'. The Concordat is included at [Annex 1](#).

#### **4. Statutory Duties, Functions and Powers**

4.1 The Justice (NI) Act 2002 establishes the Attorney General for Northern Ireland. The functions and responsibilities of the Attorney General comprise both statutory duties and common law duties and these can be viewed at : [About Us | Attorney General for Northern Ireland \(attorneygeneralni.gov.uk\)](#).

4.2 Guardianship of the rule of law is central to and governs the discharge of the Attorney General's specific duties. The range of work covered by the Attorney General reflects all of the areas which fall within the Executive's remit. The most significant of the Attorney General's duties include:

- Serving as chief legal adviser to the Northern Ireland Executive in relation to any matter that falls within the devolved powers of the Northern Ireland Assembly.
- Analysing and scrutinising bills passed by the Northern Ireland Assembly.
- Advising the Executive, Ministers and departments on other devolution issues, that is the other matters set out in paragraph 1 of Schedule 10 to the Northern Ireland Act 1998.
- Protecting the public interest in the courts where appropriate. This can include the initiation of proceedings or participating in proceedings to assist the court.
- Deciding whether or not to direct a coroner to hold an inquest under section 14 of the Coroners Act (Northern Ireland) 1959,
- The discharge of statutory and historic functions to protect the public interest in matters relating to charities.
- Discharging functions under the Mental Capacity (Northern Ireland) Act 2016; this includes the review of authorisations to deprive persons of their liberty and the referral of relevant authorisations to the Review Tribunal on behalf of those who lack capacity to do this for themselves.
- The examination of cases of contempt of court; the Attorney General can take legal action in the public interest if certain types of contempt of court have been committed.

- Producing guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards.
- Dealing with vexatious litigants; the Attorney General can apply to the High Court to have a person declared a vexatious litigant by applying to the court for an order to prevent that person from issuing further proceedings without leave of the High Court.
- The appointment of the Director and Deputy Director of Public Prosecutions when vacancies arise.

## **Governance Arrangements**

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### **5. Organisational Status**

- 5.1 As set out in para 3.1 the Attorney General is statutory independent and the OAGNI is not an Arm's Length Body however to protect the independence of the Attorney General, the Concordat establishes an agreement that the relationships between the Attorney General, Ministers and TEO will be governed by the 'arm's length principle'.
- 5.2 OAGNI for government accounting purposes sits within the TEO accounting boundary. For financial management purposes OAGNI sits within TEO cost centre structure and forms part of the TEO Corporate Governance and financial and resource management arrangements. OAGNI use DoF Enterprise Shared Services for TEO support functions for Finance; HR; IT; and Accommodation Services.
- 5.2 The Attorney General may, in accordance with section 22(4) of the Justice (Northern Ireland) Act 2002, appoint staff to assist her in carrying out her functions, subject to the approval of the First Minister and deputy First Minister. With the exception of the Attorney General, who is a statutory office holder, all OAGNI staff are TEO/NICS staff and will be subject to all NICS HR policies.
- 5.3 TEO is responsible for providing the funding and resources needed for the proper and independent discharge of the Attorney General's functions.



## **6 Governance Framework**

- 6.1 The Chief Executive is designated the Senior Accountable Officer for OAGNI by the departmental Accounting Officer with responsibilities laid out in Managing Public Money NI and his/her appointment letter. As Senior Accountable Officer the Chief Executive is personally accountable for safeguarding the public funds for which they have charge; for ensuring propriety, regularity, value for money in the handling of those public funds; and for the day-to-day operations and management required to deliver their legislative obligations.
- 6.2 OAGNI will operate under a Corporate Governance Framework which reflects all relevant good practice guidance. The framework includes governance structures, risk management and internal control arrangements. OAGNI provide quarterly Assurance Statements to TEO. TEO (Sponsor Team) must be satisfied with these arrangements.
- 6.3 Good governance should include positive stakeholder engagement, the building of positive relationships and a listening and learning culture.

### **Principal Officer for Ombudsman Cases**

- 6.4 The remit of the Ombudsman does not include the Attorney General.

## Role of the Department

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### 7 Partnership Working with OAGNI

- 7.1 Arrangements between TEO and OAGNI are open, honest, constructive and based on trust. There is mutual understanding of OAGNI's remit and a shared understanding of risks.
- 7.2 There is clarity on the terms and purpose of engagement between OAGNI and the Department and opportunities for exchange of skills and experience are considered along with opportunities for shared services.
- 7.3 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 incurred or commitments entered into. The TEO Accounting Officer has established an internal framework of delegated authority for the Department and its ALBs (CG 01/22) which apply to OAGNI. Other specific approval requirements established in respect of OAGNI are set out at [Annex 3](#)
- 7.4 Once the OAGNI budget has been approved by TEO and subject to any restrictions imposed by statute, OAGNI 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 guidance on Expenditure Appraisal and Evaluation.

### 8 Lead Official

- 8.1 TEO has appointed Richard Hill (Grade 5) as lead senior official to manage the relationship with the OAGNI. Engagement between TEO and OAGNI will be co-ordinated, collaborative and consistent. This will be communicated to staff in both TEO and OAGNI in order to promote mutual understanding and support. The lead senior official will be supported by Noreen Hughes (Deputy Principal).

- 8.2 The TEO lead senior official is normally the policy lead for the policy area relating to OAGNI business and has a clear understanding of OAGNI's remit and the relevant audiences/stakeholders involved.
- 8.3 The TEO lead senior official will ensure that where there are departmental staff changes, time is taken to ensure they have a full understanding of the OAGNI's remit.
- 8.4 Roisin Coleman (Chief Executive) and Maurice Dowling (Grade 7) are the lead senior officials for the OAGNI.

## **9 Annual Engagement Plan**

- 9.1 The Department and OAGNI will agree an engagement plan before the start of each business year. The Annual Engagement Plan ([Annex 2](#)) will set out the timing and nature of engagement between the OAGNI and TEO. The engagement plan will be specific to OAGNI and should not stray into operational oversight.
- 9.2 The Annual Engagement Plan will also reference the agreed management and financial information to be shared over the course of a year. The aim will be to ensure clear understanding of why information is necessary and how it will be used. Where the same, or similar information is required for internal governance, information requirements will be aligned so that a single report can be used for both purposes. In addition, the engagement plan should consider opportunities for actions which could help achieve better impact/outcomes.

## **10 Departmental Accounting Officer**

- 10.1 The Departmental Accounting Officer is accountable to the NI Assembly for the issue of funds to the OAGNI. The Departmental Accounting Officer has designated the Chief Executive as the Senior Accountable Officer for OAGNI and respective responsibilities of the departmental Accounting Officer and the OAGNI Senior Accountable Officer are set out in the Senior Accountable Officer's letter of appointment and Chapter 3 of Managing Public Money Northern Ireland.

10.2 The Departmental Accounting Officer may withdraw Senior Accountable Officer designation if he/she concludes that the Senior Accountable 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.

10.3 The Senior Accountable Officer is accountable to the Department/Minister for his/her stewardship of OAGNI. This includes matters of financial propriety, regularity, prudent and economical administration, efficiency and effectiveness.

10.4 The Departmental Accounting Officer must be informed in the event that the OAGNI is contemplating a course that would infringe upon 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 OAGNI.

10.5 In line with DoF requirements, the OAGNI Senior Accountable Officer will provide as part of the Assurance Reporting Arrangement a periodic declaration of fitness to act as Senior Accountable Officer to the departmental Accounting Officer.

## **11 Attendance at Public Accounts Committee**

11.1 The Senior Accountable Officer, accompanied by the TEO accounting Officer, may be summoned to appear before the Public Accounts Committee (as laid out in their Accounting Officer appointment letter) to give evidence on the discharge of their responsibilities as Senior Accountable Officer on issues arising from Comptroller & Auditor General (C&AG) studies or reports following the annual audit of accounts. The Senior Accountable Officer 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 them, where appropriate

11.2 In addition, the TEO 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 OAGNI. 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 OAGNI ;
- sufficient and appropriate management and financial controls are in place to safeguard public funds;
- the designated Senior Accountable Officer is fit to discharge his/ her responsibilities;
- there are suitable internal audit arrangements; and
- intervention is made, where necessary, in situations where the OAGNI's Senior Accountable Officer advice on transactions in relation to regularity, propriety or value for money are overruled.

## **Assurance Framework**

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### **12 Autonomy and Proportionality**

12.1 TEO will ensure that the AGNI has the autonomy to deliver her statutory remit effectively, recognising that the AGNI is a statutory appointment.

12.2 A proportionate approach to assurance will be taken based on OAGNI's [statutory] remit, the nature of its business, budget and associated risks. The approach will include an agreed process through which the OAGNI Senior Accountable 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 use of public funds represents value for money.

12.3 Recognising the governance arrangements in place within the organisation, the OAGNI Senior Accountable Officer will arrange for their written assurance to be discussed at the OAGNI Senior Management Team Meeting, prior to submission to the Department.

### **13 Internal Audit Assurance**

13.1 Internal Audit Services for OAGNI is provided by the TEO Internal Audit team as OAGNI sits within the TEO Accounting Boundary.

## **14 External Audit**

- 14.1 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which OAGNI has used its resources in discharging its functions. The C&AG may also carry out thematic examinations that encompass the functions of the OAGNI.
- 14.2 For the purpose of audit and any other examinations, the C&AG has statutory access to documents as provided for under Articles 3 and 4 of the Audit and Accountability (Northern Ireland) Order 2003.

## Signatories

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OAGNI and TEO 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.

Signed (Chief Executive)

Date: 1.11.24

A handwritten signature in black ink, appearing to read 'Devin Cavanagh', written on a light blue grid background.

Signed (TEO Accounting Officer/Permanent Secretary)

Date: 05/12/2024

A handwritten signature in blue ink, appearing to read 'Dawn', written on a light blue grid background. Below the signature is a long, horizontal blue line.

## Annex 1 – Applicable Legislation

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Founding legislation and other key statutes which provide OAGNI with its statutory functions, duties and powers.

[Justice \(Northern Ireland\) Act 2002 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2002/26/contents)



Concordat between  
FM & dFM and the /



## 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		
<i>Add details of the planned engagement between the ALB and the Department in relation to development and monitoring of existing and new areas of policy.</i>		
Policy Area if appropriate	Frequency/Timing	Lead Departmental/ALB Officials
Governance policy – Agree Partnership Agreement and Annual Engagement Plan	End of December 2024 with annual update thereafter before the end of each financial year	Senior Lead Officials
Strategic Planning		
Activity	Date	Lead Departmental/ALB Official
Engagement on the draft Business Plan for 2024/25 and identification of areas of strategic interest to TEO to inform further engagement during the year	31 March 2024	OAGNI CEO
Engagement on the OAGNI Annual Report, Laying in the Assembly and Publication	End of year	Senior Lead Officials OAGNI and TEO
Implementation of the recommendations from Sir John Gillen's review on the Office of the Attorney General.	TBC – will require Ministerial consideration	Senior Lead Officials OAGNI and TEO

<b>Joint Working</b> <i>Add details of any interchange opportunities, and/or joint programme/project delivery boards</i>		
<b>Activity</b>	<b>Frequency/Timing</b>	<b>Lead Departmental/ALB Official</b>
MCA – DoL Working Group	As required	OAGNI CEO, TEO Senior Lead Official, DoH and DoJ officials.
<b>Assurances</b> <i>Add details of the timetable for submission of key assurance sources and any other assurance related activity</i>		
<b>Action</b>	<b>Date</b>	<b>Lead Departmental/ALB Official</b>
Assurance Statement	Quarterly – commissioned by TEO	CEO OAGNI
ALB Directors Report	Quarterly – commissioned by TEO	CEO OAGNI
Sponsorship Meetings	Quarterly	OAGNI and TEO Senior Lead Officials
Preparation of business cases - accommodation business case due September 2024	Reactive	OAGNI, TEO Sponsorship and TEO Finance/Corporate Governance Branch
<b>Budget Management</b> <i>Add details of the information and returns to be provided.</i>		
<b>Item and Purpose</b>	<b>Date</b>	<b>Lead Departmental/ALB Official</b>
Engagement on budget requirements and Forecast Expenditure for the Financial Year	As commissioned by TEO Finance	OAGNI, TEO Sponsorship and TEO Finance
Departmental approval of the annual budget		TEO Finance and DoF

Monthly Financial Management Returns and Profiling	Start of each month	OAGNI, TEO Sponsorship and TEO Finance
Monthly Cash Forecast	2 months in advance	OAGNI, TEO Sponsorship and TEO Finance
Monitoring Round Returns	Quarterly	OAGNI, TEO Sponsorship and TEO Finance
Provisional Outturn/Final Outturn	Directed by TEO Finance	OAGNI, TEO Sponsorship and TEO Finance

#### Other

*Tailor as required to reflect the specific requirements*

Item and Purpose	Submission Date	Lead Departmental/ALB Official
Fraud Reporting	Immediate reporting of all frauds (proven or suspected/ attempted fraud	OAGNI in first instance. TEO Sponsorship, TEO will report fraud immediately to DoF and C&AG. Annual fraud return commissioned by DoF
Media management protocols –arrangements to share press releases where relevant – ensure no surprises.	Reactive	OAGNI, TEO Sponsorship and TEO EIS
Whistleblowing cases/ Raising Concerns.	Reactive	Lead Departmental Official and appropriate ALB Official

#### Review of the Partnership Arrangement

*Tailor as required to reflect the specific requirements*

Item and Purpose	Date	Lead Departmental/ALB Official
Light touch review of the Partnership Agreement	Schedule following the end of the Business Year	ALB Grade 7 TEO Sponsorship Deputy Principal
Formal review of the Partnership Agreement	Once every three years	ALB Chief Executive TEO Senior Lead Official

## Annex 3 – Delegations

### Delegated authorities

OAGNI 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 OAGNI'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.

### OAGNI Specific Delegated Authorities

#### Department's Accounting Boundary, net of VAT

	Goods and Service s	Capital	ICT Projects	External Consultan cy	DACs
	£k	£k	£k	£k	£k
Office of the Attorney General for NI	30	10	10	5	30

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

## **Annex 4 – Concerns/Complaints in respect of the OAGNI**

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In line with the NI Code of Good Practice and the arrangements in this Agreement the approach to concerns/complaints raised in respect of the OAGNI are set out in the OAGNI Complaints Procedure.

Concerns/complaints might also be raised through:

- Raising Concerns/Whistleblowing arrangements;
- Directly with OAGNI or TEO.

[Attorney General for Northern Ireland - Complaints Procedure \(attorneygeneralni.gov.uk\)](http://attorneygeneralni.gov.uk)

## Annex 5 – Applicable Guidance

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The following guidance is applicable to OAGNI

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

- i. Managing Public Money NI
- ii. Public Bodies – A Guide for NI Departments
- iii. Corporate Governance in central government departments – code of good practice
- iv. DoF Risk Management Framework
- v. HMT Orange Book
- vi. Public Sector Internal Audit Standards
- vii. Accounting Officer Handbook – HMT Regularity, Propriety and Value for Money
- viii. Better Business Cases NI guidance (or the superseded NI Guide to Expenditure Appraisal and Evaluation for projects already initiated under that guidance)
- ix. The Senior Accountable Officer Letter of Appointment
- x. Procurement Guidance
- xi. Dear Accounting Officer letters,
- xii. Dear Finance Director Letters,
- xiii. Dear Consolidation Officer and Dear Consolidation Manager Letters,
- xiv. Government Financial Reporting Manual (FReM) AND Guidance for preparation and publication of annual report and accounts

### **Other Guidance and Best Practice**

- xv. CG01/22 TEO Expenditure Approval Guidance
- xvi. TEO Raising Concerns Policy
- xvii. TEO Fraud policy and prevention plan
- xviii. EU Delegations where appropriate
- xix. Recommendations made by the NI Audit Office/NI Assembly Public Accounts Committee
- xx. NIAO Good Practice Guides
- xxi. Guidance issued by the Executive's Asset Management Unit
- xxii. NI Public Services Ombudsman guidance

## Annex 6 – NI Code of Good Practice

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### NI Code of Good Practice and Nolan Principles

[NI Code of Good Practice v3 \(300323\).pdf \(finance-ni.gov.uk\)](#)



FD memo to  
sponsor teams - Rev