Second Version: 24th July, 1998

Northern Ireland Assembly
Transition Programme
Seminar 1

An Overview of Northern Ireland Government

Guide for speakers and panel members

GWJ/241/98

1

Seminar's aim

Through a participative and discursive approach, to provide Assembly Members with:

> ➤ an understanding of the structures and processes of government;
> ➤ an overview of public finance issues for Northern Ireland government;
> ➤ an understanding of the relationship between elected members of the Assembly and the Civil Service; and
> ➤ a feel for how policy is turned into legislation.

The seminar starts with John Semple and Peter Hennessey at the front horizontal table and the audience at round tables. There will be two cards bearing their names in front of them, visible from the back of the room.

9.15   John Semple opens the proceedings by introducing himself

Before the start of the seminar, since it is the first, the Head of the Northern Ireland Civil Service, *John Semple*, will introduce the whole transitional programme. He will outline not only these first five core seminars but also how the remainder of the programme has been developed after discussion with the party whips. There may well be questions from the floor about the programme. *Gerry Cosgrave* will be sitting at the side to answer any very detailed questions. *John Semple* finishes by introducing *Peter Hennessey*. He then moves from the top table and sits at the side, taking his card with him.

[Insert personality note: Professor Peter Hennessey]

9.30   Outline introduction to core seminar: Peter Hennessey

Peter starts by welcoming everyone to this first seminar and briefly outlines the three main sessions. This introduction will describe the form of the sessions, which will comprise a 15-minute presentation from a speaker, and a panel to be asked questions. *Wendy Austin* will facilitate the questions and discussion. He will describe his role as Chairman, tying together the various strands of the seminar. He will introduce *Wendy Austin* who will have been sitting at the side.

[Insert personality note: Wendy Austin]

Wendy takes over with a few words about her role which is to ensure that speakers are properly quizzed about the subjects and that the audience becomes involved in the discussion.

She may want to be doing this standing at the side of the front table with a roving microphone.

9.45   SESSION 1:   THE GOVERNMENT MACHINE

She will then introduce the panel members for the first session on structure and processes of government, who will come and sit at the top table.

Ronnie Spence	Permanent Secretary, Department of the Environment
John McGuckian	Former Chairman, IDB
Henry Plester	Chief Executive, Water Service

Ronnie Spence has been Permanent Secretary of the Department of the Environment since 1994. He joined the Civil Service in 1963, and his early career included service in several parts of the Department of the Environment and its predecessors. He subsequently headed the Economic and Social Division of the Northern Ireland Office, led the Efficiency Services in the Department of Finance and Personnel, was Head of the Central Secretariat and was Principal Establishment and Finance Officer at the Department of Economic Development where his responsibilities included tourism.

[Insert personality note—John McGuckian]

Henry Plester started work in 1962 on the construction and management of harbour works before beginning what was to become his principal career interest—that of public health, engineering and public sector management. He has been involved in the design, feasibility and site supervision of water and sewerage works in a wide variety of roles, and is now Chief Executive of the Water Service, an Executive Agency of the Department of the Environment. He has a particular interest in training and staff development.

They will bring cards bearing their names to put in front of them. In her introduction, *Wendy* will point out that the panel members are chosen to represent different levels in the structure of government. They are not on the panel to talk about the topic of the organization they run, but to discuss the whole role of their level of government and how it articulates with the other levels. She will introduce *John Simpson* as the main speaker who will come from the side to stand at the lectern and microphone at the front.

[Insert personality note on John Simpson]

Keynote speaker: John Simpson

John Simpson will speak for 15 minutes on the main structures and processes of government in Northern Ireland. Amongst other points and commentary, John might want to describe:

➢ the six Northern Ireland departments—Agriculture, Economic Development, Education, Environment, Finance and Personnel, and Health and Social Services. The Agreement suggested this increase to 10 under a local administration. The Assembly, at its inaugural meeting, asked the First and Deputy First Ministers to produce proposals for the remit of Departments and Ministerial briefs, and these will be put to the Assembly on a cross-community basis;

➢ Central Secretariat has a co-ordinating function and provides support to the Head of the Civil Service;

➢ 'Next Steps' Executive Agencies. Headed by a Chief Executive who is normally directly accountable to a Minister, these have financial and management freedoms. Agencies work within the policy framework set by their core Departments, and financial and quality of service targets. There are now 25 Agencies in Northern Ireland with 20,000 staff—so some 70% of the Civil Service work in Agencies;

➢ other governmental and quasi-governmental bodies, like the IDB, Health Boards and Trusts;

➢ local government;

➢ how the tiers interact and are controlled;

➢ the role of new Ministers and Assembly Committees. Ministers are Heads of Department and decide on major policy issues; day-to-day management of the Department is in the hands of the Permanent Secretary. The Assembly Standing Orders will specify the precise nature of the relationship between Ministers and the Assembly, eg how they will be called to account. Assembly Committees' role is set out in paras 8 and 9 of Strand 1 of the Agreement.

If *Wendy* has a roving microphone she could be sitting at the back of the room and will start to signal to *John* when 14-15 minutes are up. *John* will them go and sit

4

with the other panel members at the top table. *Peter Hennessey* will have a card out for *John* in front of his chair.

Wendy will start the discussion section by asking a question of the panel about the structure of government. It could be along the lines of: this looks a complex picture; how does it actually work on the ground? How does your level fit with the others? This will draw out how core departments set policy and Agencies have freedom to work out how to operate within that policy.

Each member of the panel will answer the question and they will not talk for longer than 90 seconds! At the end of these *John* can come back for a further minute.

Wendy will be amongst the tables whilst this is going on, and will ask if there are any questions from the floor. If there are she will give the microphone to the questioner and the question will be asked either to a particular panel member or to the panel. The panel members will answer for 90 seconds each. If *Wendy* feels that a panel member to whom the question was not addressed should contribute, she will ask them to do so.

After two such questions, or if there were no questions at all from the floor, *Wendy* will say to the audience that she would like them to talk amongst themselves at their tables, or in any groups in which they feel comfortable, about the issues they have heard and come up with a couple of questions for the panel. This will take 3 minutes. *Wendy* will then randomly ask a table for a question to the panel.

After the first table question, *Wendy* will ask the floor if there is anything anyone would like to say about what they have heard that is not in the form of a question. If there is she will ask the person to make that contribution and ask the panel to react. She will then go to the next question and iterate the process.

Some points which it would be interesting if the questioning brought out are:

➢ the relationships between central and local government. Does the Assembly provide a means of making the links closer?

➢ how Agency Chief Executives are accountable to Parliament, and how this is demonstrated in that they appear before PAC and answer Parliamentary Questions by letter.

10.45 Coffee

5

Peter will tell people where coffee is and will remind them to come back at 11.00 sharp. At 11.00 he may start to ask people in the coffee area to come back in for the next session.

11.00 SESSION 2: PUBLIC SECTOR RESOURCES—THE MONEY

Peter Hennessey introduces the 'Public Sector Resources' sessions from the top table. The topic covers the public resources that the Government of Northern Ireland has at its disposal—both financial and staff. The aim of the sessions is to demonstrate how these have been allocated to Northern Ireland, what they can be used for and what they cannot. The section will consist of two hour-long discussions, the first on finance and the second on staff. That on finance provides an introduction; there will be more detail at the following day's session, which will be repeated.

These two sessions will be organized in the same way as the first. Over to *Wendy*.

Wendy introduces the panel members who are sitting at the side; they come to join *Peter* at the top table with their name cards. In introducing them she explains what each of their organizations do.

Pat Carvill	Permanent Secretary, Department of Finance and Personnel
Cliff Radcliffe	Principal Establishment and Finance Officer, DHSS
Noel Stewart	Chairman, Craigavon Hospitals Trust
Brian Poulter	Northern Ireland Audit Office

Pat Carvill is Permanent Secretary at the Department of Finance and Personnel. His career included spells in the Ministry of Development, Ministry of Community Relations, Department of Economic Development, and the Department of Education of which he became Permanent Secretary.

[Insert pen picture for Cliff Radcliffe]

Noel Stewart is Chairman of the Craigavon Area Hospital Group Trust. He spent the first part of his career, until his retirement in 1993, as a chartered accountant with Coopers and Lybrand, and was Managing Partner for Northern Ireland for over 15 years. He is a Director of the Northern Ireland Transport Holding Company and of the Progressive Building Society, sits on the National Lottery Charities Board, and is Honorary Treasurer of The Queen's University. He is about to chair a working group within the Belfast City Centre Management Steering Committee on the accessibility of the City Centre to shoppers and visitors.

Brian Poulter has been Secretary of the Northern Ireland Audit Office since 1989. He previously worked in health services audit before spells in LEDU and the Department of Commerce. He has been with the Northern Ireland Audit Office since 1975.

She then introduces the speaker, *Sir George Quigley*.

Sir George Quigley has been Chairman of the Ulster Bank since 1989. He was formerly Permanent Secretary at the Department of Commerce and at the Department of Finance and Personnel. He is Chairman of the Royal Group of Hospitals Trust and of the Northern Ireland Division of the Institute of Directors, is a Director of Shorts and was a member of the Fair Employment Commission.

Keynote speaker: Sir George Quigley

Sir George will speak for 15 minutes. He will provide an overview of how the Government of Northern Ireland gets its public finance, how it is distributed and what powers the Assembly has over its distribution. If *Wendy* has a roving mike she could be sitting at the back of the hall and will start to signal to *Sir George* when his 14-15 minutes are up. *Sir George* will then go and sit with the other panel members at the top table. *Peter Hennessey* will have a card out for *Sir George* in front of his chair.

Sir George might want, amongst his other information and commentary on what it means in practice to be incolced in public spending decisions, to touch on the following in his speech:

> the NI Block and its results in practice;

> the PES process;

> DRCs and non-DRCs;

> accountability: PAC, Departmental Report, Permanent Secretaries as Accounting Officers;

> efficiency measures, including the PFI;

> the Comprehensive Spending Review;

> that Government is moving to a more commercial style of accounting which helps link spending to strategic objectives;

7

➤ the role of the Assembly: the Executive Committee will put forward a programme of government each year, to include resource allocations.

Wendy will then start the questioning. To *Mr Carvill* and *Mr Radcliffe* she would note that a lot of spending decisions must almost make themselves: schools and hospitals have to be run, for example. Are there many decisions that can be made to vary the spending pattern?

To *Mr Stewart*, she could note that it's important to set finance in context. Decisions can't be based on finance alone: what other sorts of considerations does he take into account?

To *Mr Poulter*, she might ask how auditing, internally and externally, is organized in government, and how its contributes to ensuring probity.

The process of discussion is the same as for the first session, and will be iterated until 12.00 noon.

12.00 SESSION 3: PUBLIC SECTOR RESOURCES—THE PEOPLE

Peter makes any observations on the finance session and announces the change of topic. This session will follow a slightly different format, but there will be the same opportunity for discussion and questions. *Wendy* introduces the panel members who are sitting at the side and come to join *Peter* at the top table with their name cards. They are:

Sir Kenneth Bloomfield	Former Head of the NI Civil Service
Judith Eve	Civil Service Commissioner
Nigel Hamilton	Permanent Secretary, Department of Education

Sir Kenneth Bloomfield was a member of the Northern Ireland Civil Service from 1952 to 1991. He served in a number of different Departments and as the Head of the Service from 1984 to 1991. He was also a Civil Service Commissioner. His assignments since then have included a Top Structure Review of the Department of Social Security. Between 1991 and 1997 Sir Kenneth was the first Chairman of the Chief Executives' Forum, an organization dedicated to raising public service standards. Amongst other current activities, he is the BBC National Governor for Northern Ireland.

[Insert note on Judith Eve]

Nigel Hamilton has just recently been appointed Permanent Secretary of the Department of Education. Prior to that appointment he was the Deputy Secretary

8

at the Department of the Environment responsible for personnel, finance, housing and local government. He joined the Civil Service in 1970 and since then has worked in both DoE and Central Secretariat, where he was closely involved in the establishment of community relations policies and was also the first Director of Making Belfast Work, working closely with Sir Kenneth Bloomfield.

Wendy touches briefly on the work of the Civil Service Commissioners. Their primary function is to uphold the principle that recruitment to posts in the Northern Ireland Civil Service should be on the basis of merit in fair and open competition. They make General Regulations prescribing the manner by which people are selected for appointment to the Civil Service. They also consider and determine appeals made to them by Civil Servants under the Northern Ireland Civil Service Code of Ethics.

Speaker: Carol Moore

Wendy introduces *Carol Moore*. She will give a short address looking at some more factual matters about the Northern Ireland Civil Service. She will demonstrate how the Northern Ireland Civil Service is a major resource in government. Shee might think of dealing with the following:

> The Northern Ireland Civil Service is 28,000 strong; the paybill is £500m pa. Comparison with the wider public sector;

> the Civil Service as a creation of the Crown Prerogative, which under the new arrangements will be delegated to the First and Deputy First Ministers;

> a broad range of functions and professional groups: administrators, scientists, engineers, accountants, statisticians, typists, agriculturalists and many more;

> the Industrial Civil Service (4,000 members) comprises people who undertake and supervise manual work in water and sewerage, roads, forestry etc;

> largest group in the Non-Industrial Service is the General Service Group—what most people think of when they hear the words 'civil servant'. 15,000 members. At the head, the Permanent Secretaries are the Chief Executives of Departments; and the Senior Civil Service comprises the key policy advisers and senior managers;

> Northcote-Trevelyan and the ethos of the Civil Service; political neutrality; the advantages of a career Civil Service;

9

➤ the merit principle;

➤ equal opportunities: the Northern Ireland Civil Service has long-standing policies on equality of opportunity which have just been updated and revised—a new guide was published this month. Extensive and regular monitoring of the workforce.

➤ development and training for civil servants: each Department in Northern Ireland is aiming to have gained Investor in People status by the end of next year.

If *Wendy* has a roving microphone she could be sitting at the back of the hall and will start to signal to *Carol* when her 10 minutes are up. *Carol* will then go and sit in the main body of the hall.

Peter says that there will be an opportunity to raise any questions about the Civil Service presently. Perhaps some of the most interesting, and certainly the most important, questions lie in the area of how elected officials interact with appointed officials and what are the responsibilities of each. Drawing on the work which the Commonwealth Association for Public Administration and Management has done, about which there will be a handout in the conference pack (see *Annex A*) and which has an extensive international pedigree, *Peter* will, over the course of a few minutes, give a flavour of what is distinct about the two roles but how they fit together. He will invite *Sir Kenneth Stowe*, who will be in the audience and who chairs the Association, to expand on the work it has done internationally and the lessons which have come out of it.

Wendy will then start the discussion with the panel by asking *Sir Kenneth Bloomfield* and *Nigel Hamilton* something along the lines of how does an Assembly Member interact with the Civil Service?

Wendy will then ask *Judith Eve*, as a Civil Service Commissioner, to say something about the role of the Commissioners and the functions they currently perform.

This information may be helpful to panel members if the matter of equal opportunities in the Civil Service comes up in the discussion
Whilst overall the NI Civil Service shows a fairly healthy balance in terms of representation of the sexes and the two community backgrounds, the picture is not an even one, and women and people with a Roman Catholic background are under-represented in the senior grades. Currently 23.1% of Senior General Service members (the top 150 or so General Service people in the NICS) come from a

10

Roman Catholic background, and only 9% are women: clearly there is further to go here, and the figures emphasize the continuing importance of fair recruitment and promotion systems. Yet the figures belie the progress that has been made since the mid-1980s, when the figures were 9% Roman Catholic and 5% female.

The process is the same as for the first two sessions, and will be iterated until lunch at 1.00pm. If the questioning is slow, *Wendy* could ask the panel how being a senior civil servant is different from and how it is similar to being a senior manager in industry or commerce.

Peter Hennessey will tell people where lunch is and remind them to be back at 2.15 for the next session.

1.00 Lunch

2.15 GUEST SPEAKER: SIR LEN PEACH

[Insert pen picture: SLP]

Peter will chair this session and will introduce *Sir Len*. *Sir Len* will speak for 35 minutes and take questions. He will base his speech on public appointments: their processes, and the tension between appointing representatives and appointing on merit. He will bring in the Nolan Committee with its implications for ethics and morals generally in government—another important aspect of the duties of the various people in government which were touched on in the session before lunch. [*Sir Len* could also draw on his experience managing a huge public organization—the largest employer in the world after the Red Army and Indian Railway Company—and draw some conclusions on how vital are good working relationships and how these are best built and nurtured; how to give vision and to get the best out of people.]

Wendy organizes questions in the same way that she has in previous sessions until coffee at 3.15. *Peter* reminds those attending that coffee finishes at 3.30.

3.30 SESSION 4: TURNING POLITICS INTO GOVERNMENT— LEGISLATION AND THE ASSEMBLY

Peter introduces this last session from the top table. The topic covers the legislative role of the Assembly. The aim of the session is to demonstrate that legislation is the connexion that turns policy into law, and that there are specific rules and methods for achieving this. The session will be organized in the same way as the others. Over to *Wendy*.

11

Wendy introduces the panel members who are sitting at the side. They come to join Peter at the top table with their name cards.

George Gray   First Legislative Counsel
Clare McGivern   Departmental Solicitor's Office

> George Gray is First Legislative Counsel and head of the Office of the Legislative Counsel, a group of civil service lawyers who draft primary legislation for Northern Ireland. Their job is to translate the policy instructions of Departments into legislation which will implement that policy clearly and effectively.
>
> Clare McGivern is a Senior Legal Assistant in the Departmental Solicitor's Office, which is responsible for providing advice to all Government Departments. Clare's remit is concentrated on employment law matters, and she was recently seconded top the Department of Economic Development to work on the introduction of the race relations legislation. She is currently working on amendments to fair employment legislation as a result of the White Paper *Partnership for Equality*.

The speaker, *Peter Hennessey*, needs no introduction!

Keynote speaker: Professor Peter Hennessey

Peter will speak for 15 minutes. He will provide an overview of the whole process that moves an agreed policy into legislation from initial drafting through the presentation of the Bill to the way in which the Assembly works with the draft legislation presented to it. He will draw out what it means to be a legislator. He might want to refer to:

> ➤ how policy is developed;
>
> ➤ the existing corpus of Northern Ireland legislation, which has been kept largely separate and recently has had the Order in Council as its principal vehicle; primary and secondary legislation;
>
> ➤ how legislation sits alongside common law and is interpreted by the Courts;
>
> ➤ the Assembly's legislative process. This is provided for by the Northern Ireland Bill, a copy of which will be supplied to *Peter*, and will be expanded on in the Assembly's Standing Orders;
>
> ➤ the contribution an Assembly Member makes to the legislative process. NB the NI Bill neither provides for nor excludes a Private Members' Bill

12

process, but the main point here might be on contributions to consultation and debate on Bills presented by Ministers;

> the ECHR and Human Rights Act and what they mean in practice.

But the key emphasis of his talk will be, as it were, The Naked Legislator, and how politics become policy, policy law, and law government.

If *Wendy* has a roving microphone she could be sitting at the back of the hall and could signal to *Peter* when his 15 minutes are up.

Wendy will start the questioning with one to *George Gray*: 'I'm the Parliamentary Draftsman / I compose the country's laws / and of half the litigation / I'm undoubtedly the cause' says Mr Justice Megarry in his *Miscellany at Law*, quoting an anonymous author. Could you say something about the position and role of the Office of the Legislative Counsel, and how you see your Office interacting with members of the Assembly?

She would go on to say that *Clare McGivern* has recent experience of working with a piece of legislation, the Race Relations Order, through its Parliamentary stages, and was consulting the various interest groups involved. Could you say something about the process, and what were the special challenges?

The question/discussion process will then follow the pattern of the previous sessions and be iterated until 4.30. It would be useful if judicial review came up: what is it and when does it arise?

4.30 Peter Hennessey's closing remarks

There are two main themes in this closing session: first, some concluding remarks from Peter on what the day has covered and how Assembly members can build on this. He may point out that this will all appear very different as they come to grips with the issues over the next 6 months and they may want to have additional seminars in the future. Second, he would ask for any comments from Assembly members on the day itself and its organization. He could stress that this is relevant since we are designing the others and need to learn from their experience. He would take comments from the floor, and then ask that any other comments would be recorded on the sheets in Members' packs and left at the back of the room. It would be helpful if Members also indicated any matters they felt would usefully be covered in future seminars and events.

4.45/5.00 Close

Nia_transition programme

Northern Ireland Assembly: Transition Programme
An overview of Government in Northern Ireland

The Government machine:
structures and processes of Government
Framework for discussion introduced by John Simpson

1. The <u>scale of Government</u> in Northern Ireland
   public sector directly employs 192,335 people: 33% of all employees

NI central govt.		47,220
police and prisons	19,200	
rest	28,020	
NDPB and public corporations:		129,899
local govt.		8,957
UK central govt.		6,259

public sector expenditure (1997-8)	£8,860m
<u>equivalent</u> to 60% GDP or	£5,400 per person
of which social security	£3,250m
leaving, rest	£5,610m

2. The <u>shape of Government</u>: tiers and responsibilities
   Departments, Agencies, Statutory Corporations, NDPB's, Advisory Bodies,
   Local Government (see tables in information pack)
   Principles of decision making: strategy, policies, operations
   Scope for change: in allocations within Regional departments
   in relations between different tiers (incl. Local Govt.)
   Assembly structures still to be decided
   including a Committee system

3. Frontier <u>disputes in the Government structure?</u>
   Horizontal and vertical
   Westminster v Assembly
   Excepted, reserved and transferred responsibilities
   Restriction on scope for debate at Westminster, if devolved

4. <u>Constraints on policy making freedom</u>
   Consistency
   Funding (Block grant)
   Parity (eg social security payments, NHS system)
   EU requirements (eg SFA)

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