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Mr. Jones

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ASST SEC 18 MAY 1998
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HCS/460/98

FROM: JOHN SEMPLE
18 MAY 1998

cc see distribution below

PS/SECRETARY OF STATE (B&L)

Mr. McGinness
Mr. [unclear]
Mr. [unclear]
LD21/5

BRIEFING CIVIL SERVANTS ON THE AGREEMENT

Summary

Issue: Progress report to Secretary of State on arrangements for briefing civil servants on the Agreement.

Timescale: Immediate to allow arrangements to proceed

Recommendation: That all civil servants should be briefed on the main implications of the Agreement for them by way of an article in staff magazines.

1. At a VCR meeting on Thursday 30 April the Secretary of State expressed a wish to brief a sample of civil servants on the Agreement so as to have an opportunity to address any uncertainties which they may have.
2. Unfortunately the Secretary of State's diary commitments leave little scope for such briefings at the moment. In any event the proximity to the referendum raises concern that such briefing could be misconstrued by the media and misrepresented by those opposed to the Agreement. The risk of being accused of seeking to exercise political influence over the voting intentions of civil servants is such that officials have been exploring alternative ways of providing the necessary briefing.
3. This conclusion has been reinforced by informal consultations with Trade Union Side. It is the practice to consult Trade Union leaders where it is intended to

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mount an initiative in relation to staff. In the course of such consultation the General Secretary of the Northern Ireland Public Service Alliance expressed the view that it would be more appropriate for briefings of civil servants on the Agreement to come from civil service management rather than from Ministers so as to avoid the risk of infringing the political neutrality of the civil service.

4. There would be scope after the Referendum to arrange briefings perhaps on the scale the Secretary of State originally envisaged. I will arrange for this to be followed up if the Secretary of State wishes.
5. It is suggested that, in the meantime, in place of verbal briefings which could reach only a very small sample of staff, the Article attached at Annex A should be inserted in staff magazines or issued as a separate message where timing does not coincide with normal publication dates. It is recommended that the article should issue from the Head of the NICS and PUS. The article could be supplemented by team briefings in departments for which a question and answer brief on more detailed points of civil servants' conditions of service would be made available. Furthermore, the article offers a hotline number in each departments' transition unit for individuals to call for further information.
6. Senior Crown Counsel was consulted about the risk of legal challenge to the article and advised that it falls into the low risk category.
7. The Secretary of State is invited to agree the above arrangements for briefing civil servants.

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TO BE ISSUED BY PUS AND THE HEAD OF THE NICS

TO ALL CIVIL SERVANTS IN THE NICS AND HCS STAFF WORKING IN BELFAST

The Agreement reached by the political parties in Northern Ireland along with the British and Irish Governments marks an historic moment for Northern Ireland. Like your fellow citizens you will have received a copy of the Agreement and as individuals those of you who are registered will have the opportunity to vote in the Referendum. Everyone is encouraged to read the full text of the Agreement for themselves.

Aside from your personal interest as a citizen, some of you may be wondering what it will mean for you as civil servants if the Agreement is accepted. The purpose of this note is to address that.

There are 3 stages in the Agreement process:

The Referendum and Election

In the referendums on 22 May the people of Northern Ireland and Ireland will give their judgement on the Agreement. If the agreement is accepted, an election for a Northern Ireland Assembly will take place on 25 June. During the referendum campaign and, assuming acceptance, the election campaign the normal rules applying to civil servants' involvement in political activities will apply. Advice relating to the referendum campaign has been issued to staff in NI Departments and the NIO and further advice will issue if an election takes place.

The 'Shadow' Period

Following the election, the Assembly and a North/South Ministerial Council would operate in 'shadow' mode in the period from the end of June until legislation allows the transfer of powers, probably in early 1999. During this time the Agreement envisages that Ministers, including a First Minister and Deputy First Minister, and Committee Chairmen and Committee members would be appointed from the members of the Assembly and would have the opportunity to familiarise themselves with their new roles and Departments. They would also advise the Secretary of State on current issues and future plans and generally prepare for the implementation of the agreement as a whole. A particular responsibility of the 'shadow' Assembly and Executive Committee would be to determine with the Irish Government the areas of potential North/South cooperation which would be developed through the establishment of cross border or all island implementation bodies.

During the 'shadow' period civil servants would continue to work for their departments under the direction and control of the Secretary of State, as currently.

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The new Ministers would have no formal power during this time, but departments would be expected to take account of the embryonic local Ministerial team and Assembly as they prepare for their new role. Consequently, civil servants might be called upon to inform, advise or consult shadow Ministers at the behest of NIO Ministers. Guidance regarding this would be issued, if required.

Full Executive and Legislative Authority

The Agreement envisages that the Assembly would take full executive and legislative responsibility for all the matters currently administered by the Northern Ireland Departments, probably in early 1999. There would be up to 10 Ministers with departmental responsibilities. It has yet to be determined how the Ministerial portfolios would be created, but it could mean that there would be changes to the way the NI Departments are organised. Northern Ireland civil servants would be responsible to their new departmental Minister. In addition, committees would have a scrutiny, policy development and consultation role in relation to the work of departments. The Assembly would have authority to pass primary legislation for transferred matters.

After powers are transferred to the Assembly, the Secretary of State and the ministerial team would continue to have responsibility for matters reserved to the Westminster Parliament such as policing, criminal justice and others matters currently dealt with by the NIO. Civil servants working in these areas would continue to be accountable to the Secretary of State.

Under the new arrangements there would continue to be a Northern Ireland Civil Service to support the functions of the Northern Ireland Administration. The Northern Ireland Office, including its NICS staff, would continue to support the Secretary of State. The central principle of an impartial apolitical civil service which, with integrity, honesty and objectivity serves the duly constituted Government of the day, would be maintained.

Management of the Northern Ireland Civil Service

The terms and conditions of members of the NICS are determined either by the Department of Finance and Personnel or, where delegated authority has been granted to a department or agency for some areas of personnel management, by the department or agency. All NI Departments are subject to the direction and control of the Secretary of State. During the 'shadow' period the Secretary of State would retain direction and control which would pass to the new Ministerial team under full devolution.

The terms and conditions of civil servants, like those of other employees, are protected by employment legislation and contract law. Where changes are proposed management consults with the recognised trade union. On a day to day basis management of civil servants would continue to be the responsibility of the personnel branches of employing departments.

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Staff for the New Institutions

The Assembly and North/South Ministerial Council could require in the region of 125 staff, who could come initially on loan from the NICS. As far as time permits and depending on the nature of posts, notice of posts would be circulated to all NI Departments and the NIO so that staff could put themselves forward. Staff could be posted to the Assembly and the other new institutions, but every effort would be made to allocate those who have an interest in working in the area. It would be a matter for the Assembly to decide on the longer term arrangements for its staffing support.

Further Information

Further clarification of the status of NICS and HCS staff in the NIO will be issued shortly. If you have any queries about your position as a civil servant please ring [].

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cc PS/Mr Murphy (DFP, B&L)
PS/Mr Ingram (DED, B&L)
PS/Mr Worthington (DENI, DHSS&L)
PS/Lord Dubs(DANI, DOE&L)
PS/PUS (B&L)
NI Permanent Secretaries
Mr Jeffrey
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