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DEPARTMENTAL STRUCTURES

A stocktake paper for
The First and Deputy First Ministers

24 September 1998

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1. Introduction

- 1.1 The purpose of this paper is to assist the First and Deputy First Ministers and advisers in their deliberations on Departmental structures.
- 1.2 The First and Deputy First Ministers have undertaken to report further to the Assembly on this matter and in due course are committed to making proposals to the Assembly.
- 1.3 The background material in this report is a synopsis of the comments made by the political parties during the course of the bilaterals held on 9-10 September and during the course of the Assembly debate on the First and Deputy First Ministers' interim report on these matters on 14 September 1998. A paper submitted by the Women's Coalition on 22 September is also reflected in the report; and an attempt has been made, based on statements made by Sinn Féin over the past several weeks, to reflect their preferred options for Departmental structures. In the latter case, this is not necessarily their definitive position. It is simply an attempt to provide the First and Deputy First Ministers with as much information as possible at this stage. The report does not reflect any of the discussions between the 2 main Parties – the UUP and the SDLP.

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1.4 It would be prudent to assume that to date Parties have simply put forward their preliminary views. All the political parties in the Assembly have been invited to make written submissions on these matters and a reminder will be issued before the end of the week.

2. Summary Position

2.1 Annex A tabulates the preliminary options for Departmental structures as put forward by parties and gleaned from statements by Sinn Féin. Annex B summarises the key points made by each Party during the bilaterals and the Assembly debate.

2.2 At a glance, the broad position of each party is as follows:

UUP	Split DOE into 2 and leave the other 5 Departments intact. This does not preclude up to 10 at a later date.
SDLP	10 Departments.
DUP	Split DOE into 2 and leave the other 5 Departments intact.
Sinn Féin	10 Departments, Equality within the Office of the First and Deputy First Ministers (perhaps).
Alliance	10 Departments (9 specified).
PUP	10 Departments.
Women's Coalition	10 Departments (6 Structural Departments and 4 Thematic Departments).
UKUP	No preferences expressed.

3. Cross-Departmental Issues

3.1 A recurrent theme was the need to achieve co-ordination and cross-departmental integration. The strategic themes highlighted included:

- EU matters
- Equality, Human Rights, Reconciliation
- Family & Children
- Public Health
- Communication/Information
- Piloting legislation
- Women's issues
- Social Inclusion

3.2 Views were expressed that the cross-Departmental issues could be tasked to Junior Ministers, although there was a divergence of views as to how Junior Ministers should be appointed (by the First and Deputy First Ministers or by d'Hondt procedures).

3.3 The UUP expressed a keenness to appoint some non-Departmental Ministries as a means of tackling cross-Departmental issues.

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4. The Office of the First and Deputy First Ministers

4.1 Implicit through out the discussions and comments was an assumption that the Office of the First and Deputy First Ministers would undertake a central co-ordination role. This might include the designation of cross-Departmental functions within the Office of the First and Deputy First Ministers (for example, Equality, European Union affairs).

4.2 This opens the debate as to the roles and functions of the Office of the First and Deputy First Ministers and the need to strike a balance between delegating functions to the centre, for the purposes of achieving co-ordination and strategic impact, against the practicalities of not overburdening the Office of the First and Deputy First Ministers. It would seem logical to include a section on the roles and functions of the Office of the First and Deputy First Ministers as an integral part of any further reports to the Assembly on this matter. [See Legislative Implications, paragraph 8.5 below.]

4.3 The discussion paper prepared by officials, "The Organisation at the Centre of the New Administration", and given to the First and Deputy First Ministers on 13 August, could now be circulated to the political Parties by way of informing the debate on these

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matters. [Sinn Féin requested a copy of this in their 11 September letter.]

- 4.4 One option would be to use “The Organisation at the Centre of the New Administration” paper as an opportunity to invite Parties to offer their views on the roles and functions that would most appropriately be undertaken by the Office of the First and Deputy First Ministers. Annex C provides a draft diagrammatic outline of a possible format for the Office of the First and Deputy First Ministers.

5. Related Matters

- 5.1 There was almost unanimous support for a quick review of QUANGOS.
- 5.2 The UUP are keen that the Executive Committee undertakes its own Comprehensive Spending Review of Public Expenditure in Northern Ireland early in the life of the new administration which would enable Departmental budgets to be set within Public Expenditure Survey plans determined by the Assembly.
- 5.3 The suggestion of undertaking a fundamental review of the machinery of government was broadly endorsed with a proviso

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that this should not delay the formation of Departmental portfolios in the short term.

- 5.4 Over-arching all these matters was the implicit assumption that the Executive Committee should formulate a programme of government which could provide the policy and programmatic framework within which Departments would function.

6. Costs of Establishing New Departments

- 6.1 At the request of the First Minister, DFP prepared an outline estimate on the additional costs of establishing (a) new Department(s). Based upon the typical cost of providing a common set of internal support services the gross administrative support costs of a Department were estimated as follows:

<i>Size</i>	<i>Per Capita Cost</i> £	<i>Support Service Costs</i> £
250	1,800	450,000
500	1,600	800,000
1000	1,500	1,500,000
2000	1,400	2,800,000
4000	1,100	4,400,000

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6.2 The above figures represent year-on-year continuing costs and take no account of one-off, start-up costs (such as acquiring and adapting new accommodation, project management, setting up IT systems, relocation costs). Full accommodation service costs are in the region of £250 per annum per square metre (in Belfast) and 500 staff would require 5,000 square metres ie approximately £1.2m per annum.

7. Possible Options

7.1 There is a measure of convergence of views throughout the Parties on a number of possible options for Departmental structures, although further negotiations will be required on the actual number of Departments and the designation of some specific functions between Departments.

7.2 Subject to the discussion between the 2 major Parties – the UUP and the SDLP – and for the purposes of moving the discussion towards the stage whereby the First and Deputy First Ministers may be in a position to present the Assembly with a series of proposals on these matters, the following broad options suggest themselves.

Option 1 Seven departments, achieved by splitting DOE into 2 Departments (Environmental Protection/

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Public Services and Development/Infrastructure) and retaining the existing other 5 Departments intact. (The split in the DOE could perhaps be achieved by retaining one Department with two Ministers with clearly defined functions, or having a Minister and a Junior Minister. [The technical and legal aspects to this would require further consideration.]])

Option 2

The seven basic Departments in Option 1 combined with a Department that would cover Arts, Culture, Heritage and Sport.

Option 3a

The eight Departments in option 2 combined with a Department of Equality, Human Rights (subject to clarifying the interface with reserved matters) and Community Relations. Some parties have suggested that the responsibilities for these functions should lie within the Office of the First and Deputy First Ministers. This could be considered as **Option 3b**.

Option 4a

The nine Departments in Option 3a, plus DHSS split into 2 Departments, one with functional responsibilities for Health and Social Services

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and the other with functional responsibilities for the policy issues related to social security combined with community development and social inclusion matters.

Option 4b The retention of Equality, Human Rights and Community Relations within the Office of the First and Deputy First Ministers plus the other nine Departments outlined in 4a.

7.3 Annex D sets these options out in tabular form.

8. **Legislative Implications**

8.1 Under the present direct rule arrangements, the establishment in law of a new Department requires an affirmative resolution Order in Council under the Northern Ireland Act 1974. In addition, a statutory rule made under the Ministries Act (NI) 1944 would be needed to transfer functions from an existing Department to a new Department (or, indeed, to redistribute functions between existing Departments).

8.2 Once legislative and executive authority is devolved, new Departments can be established by Act of the Assembly and

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functions transferred by order of the First and Deputy First Ministers acting jointly.

- 8.3 As regards the timescales for the required legislation, pre-devolution, Clause 17(1) of the Northern Ireland Bill provides that the Northern Ireland Departments existing on the appointed day shall be the Northern Ireland Departments for the purposes of the Act. In other words any new Departments must be established before the date on which devolution is triggered. The necessary legislation must be made at Privy Council.
- 8.4 In order to meet the 1 February 1999 date for devolution, an Order in Council would have to be made at the mid-December meeting of the Privy Council (Note: The Privy Council does not meet in January). To prepare a draft Order in Council to establish new Departments, the Assembly would have to reach final decisions on these matters by mid-November at the latest, otherwise it will not be possible to establish new Departments in advance of the 1 February 1999 date for devolution.
- 8.5 Depending upon the agreed roles and functions of the Office of the First and Deputy First Ministers a number of technical and legal considerations need to be discussed. This may require an amendment to the Northern Ireland Bill before the Committee Stage in the Lords.

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9. Next Steps

- 9.1 The First and Deputy First Ministers will wish to reflect on the steps that should now be taken to advance these matters.
- 9.2 A written reminder of the invitation to put forward written submissions is being issued this week and the 2 main Parties are to have further detailed discussions. Thereafter a multi-party meeting, similar to the 7 September meeting, could be convened, with representatives from each party to give the First and Deputy First Ministers the opportunity to outline their current thoughts and to take soundings. On the basis of experience of the previous meeting, this is unlikely to be successful.
- 9.3 Alternatively, the First and Deputy First Ministers could undertake another round of bilaterals, entering into a more detailed discussion with each party. In addition, the meeting with the Permanent Secretaries on Thursday, 1 October will provide an opportunity to discuss the practicalities of some of the options being proposed.
- 9.4 Separately, there may be merit in officials preparing a revised paper on "The Organisation at the Centre of Government" reflecting some of the roles and functions likely to be undertaken

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by the Office of the First and Deputy First Ministers and setting out the legal and technical steps required to constitute the Office of the First and Deputy First Ministers as a Department.

- 9.5 Finally, on the assumption that progress is made on a number of the next steps outlined above, the First and Deputy First Minister will wish to consider whether to bring an options paper to the Assembly for debate followed by a set of firm proposals at the next meeting, or whether to go straight to proposals for endorsement following whatever further consultation they choose to engage in with the Parties.

Support Team
Office of the First and Deputy First Ministers

	UUP	SDLP	DUP	Sinn Fein	PUP	NIWC	Alliance	UKUP
Agriculture and Fisheries							•	
Agriculture, Fisheries and Forestry	•		•	•				
Agriculture, Fisheries and Water					•			
Agriculture & Natural Resources		•						
Agriculture & Rural Development						•		
Economic Development	•		•	•	•		•	
Enterprise, Training & Investment		•						
Employment & Human Resources		•						
Trade, Industry and Labour						•		
Training & Employment				•				
Education	•		•	•				
Education (excluding Music, Arts and Culture)							•	
Education (excluding Music, Arts, Culture and Sport)		•						
Education & Training					•	•		
Environment (Physical and Natural)					•	•		
Environmental protection	•		•				•	
Environment & Personal Health & Safety (planning, water, wildlife, health and safety)		•						
Environment & Transport				•				
Environment Infrastructure (roads, ports, airports, water, rail) (Department of Infrastructure)	•	•	•					
Rural and Urban Renewal & Development					•			
Housing, Local Government and Planning							•	
Housing & Local Government				•				

	UUP	SDLP	DUP	Sinn Fein	PUP	NIWC	Alliance	UKUP
Finance & Personnel (in the Office of the First Minister and Deputy First Minister)						•		
Finance & Personnel	•		•	•	•		•	
Finance & Local Government		•						
Health & Social Security	•		•	•			•	
Health & Social Services					•	•		
Health & Community Care		•						
Social Support & Development (housing, social security, community development, voluntary sector, social regeneration)		•						
Children & Youth					•	•		
Social Inclusion (social security, community development, women's issues, disabilities, public health, victims, ethnic minorities)						•		
Equality (could be in the Office of the First Minister & Deputy First Minister)				•				
Equality & Community Relations					•		•	
Equality, human rights and community relations						•		
Information and Community Relations				•				
Arts, Culture & Heritage				•			•	
Arts, Culture & Sport					•			
Culture, Tourism & Leisure		•						
Arts, Culture, Heritage & Sport						•		
	7	10	7	10*	10	10	9**	

* 10 Departments plus Equality in the Office of the First Minister and Deputy First Ministers

**Wishes to consult on the formation of a 10th department

SUMMARY OF PARTY VIEWS ON DEPARTMENTAL STRUCTURES**UUP**

- Leave 5 of the existing 6 Departments intact and split DOE into 2.
- This is not a final position and would not preclude up to 10 Ministers in due course.
- Policies should be determined first so that structures could then be put in place to reflect them.
- Quick review of QUANGOS.
- Suggested a series of interim Committees for time limited reviews.
- SDLP and UUP should operate as a “study party” to take these matters forward.
- Concerned about the costs of establishing new departments, money spent on administration is money not available for public services.
- Keen on non-departmental Ministries who have cross-departmental responsibility, eg responsible for piloting legislation.

SDLP

- 10 Departments
- Address the vocational training interface between DENI and T&EA.
- Their proposed architecture should not be too disruptive since changes would involve the movement of main functional blocks.
- Keen on Junior Ministers for cross-cutting themes driven from the centre.
- The structures that we are trying to put in place must be looked at from a radical point of view.

DUP

- Viewed existing structures as satisfactory.
- Saw a case for splitting DOE into development and environmental functions.
- Importance of EU matters (possibly a separate department).
- More important to effect changes on the ground than to tinker with the machinery of Government.
- Challenged the appointment of Junior Ministers by any other means than d'Hondt formula.
- The First and Deputy First Ministers must make up their minds on these matters and declare their interest. They were charged to do this on 1 July and have failed to do so.

Sinn Féin

- 10 meaningful Departments.
- Need to be mindful of parity of weighting in establishing Departments; each Department should have substance and appointed Ministers should have equal voting rights in the Executive Committee.
- Critical of NDPBs and seek a review of same.
- Would support an Equality portfolio driven by an enhanced centre (The Office of the First and Deputy First Ministers) ie "equality should be mainstreamed".
- Would consider Ministries for children, women's issues, social inclusion, European affairs and others.
- Keen on Information portfolio within the Assembly.

- Alliance**
- Strongly in favour of the maximum number of Departments.
 - There should be fewer Councils.
 - Make Boards and QUANGOS more accountable and responsive.
 - Junior Ministers to be appointed at the discretion of the First Minister and Deputy First Minister.
 - Importance of Europe
 - Importance of central co-ordination.
 - Is currently consulting with other parties in the Assembly to see how the tenth department could be established.

- UKUP**
- Queried the criteria to be used to decide on the departmental configuration: was it to be based on functional efficiency or political expediency?

- Women's Coalition**
- Not wedded to the maximum number of 10 departments.
 - Keen on strategic thematic issues:
 - Family & Children
 - Public Health
 - Equality & Human Rights
 - Culture, Arts and Heritage
 - EU matters
 - Communication/information
 - Brigade the full gambit of social policy functions under one department.

**Women's
Coalition**

- Review of QUANGOS.
- Review of local government, along the lines of French municipalities.
- The issues of equality, human rights and reconciliation need to be looked at with regard to integration; it may need its own ministry.
- Do we integrate or segregate the producer and consumer role in the Department of Agriculture?

PUP

- The creation of a discrete Department of Equality would send out the positive signal that equality was to be addressed in a radical way.
- Co-ordination was critical to the improvement of people's lives. The need for cross-working between Departments through Junior Ministers appointed by the First Minister and Deputy First Minister.

OFFICE OF THE FIRST AND DEPUTY FIRST MINISTERS

FIRST MINISTER'S
PRIVATE OFFICE

DEPUTY FIRST
MINISTER'S
PRIVATE OFFICE

EXECUTIVE COMMITTEE

- Executive Committee Secretariat
- Programme of Government
- Cohesion and Co-ordination
- Performance and policy innovation
- Liaison with SoS on reserved and excepted matters
- North-South Ministerial Council (joint secretariat)
- British-Irish Council
- Legislative programme
- External Relationships
- Public Appointments
- Visits

Equality

European Union
Affairs

Civic Forum

Other Functions

Option 1

Option 2

Option 3a

Option 3b

Option 4a

Option 4b

Agriculture	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
Economic Development	Economic Development	Economic Development	Economic Development	Economic Development	Economic Development
Education	Education	Education	Education	Education	Education
Finance & Personnel	Finance & Personnel	Finance & Personnel	Finance & Personnel	Finance & Personnel	Finance & Personnel
Health & Social Security	Health & Social Security	Health & Social Security	Health & Social Security	Health & Social Services Social Security & Social Inclusion	Health & Social Services Social Security & Social Inclusion
Environment Protection/ Public Services	Environment Protection/ Public Services	Environment Protection/ Public Services	Environment Protection/ Public Services	Environment Protection/ Public Services	Environment Protection/ Public Services
Environmental Infrastructure/ Development	Environmental Infrastructure/ Development	Environmental Infrastructure/ Development	Environmental Infrastructure/ Development	Environmental Infrastructure/ Development	Environmental Infrastructure/ Development
	Arts, Culture, Heritage and Sport	Arts, Culture, Heritage and Sport	Arts, Culture, Heritage and Sport	Arts, Culture, Heritage and Sport	Arts, Culture, Heritage and Sport
		Equality, Human Rights and Community Relations	Equality, Human Rights and Community Relations in Office of the First Minister and Deputy First Minister	Equality, Human Rights and Community Relations	Equality, Human Rights and Community Relations in Office of the First Minister and Deputy First Minister

(7 Departments)

(8 Departments)

(9 Departments)

(8 Departments)

(10 Departments)

(9 Departments)