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Review of Public Administration

cc Will Haire
Neill Jackson
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To: Nigel Hamilton

BRIEFING FOR MEETING WITH TOM FRAWLEY, CHAIR OF PANEL OF EXPERTS SUPPORTING THE REVIEW OF PUBLIC ADMINISTRATION

Summary

Issue:

Briefing for meeting with Tom Frawley on his role in relation the Review of Public Administration

Timing:

Meeting scheduled for 27 November

Detail

1. You are meeting Tom Frawley on 27 November, in his capacity as the Chair of the panel of experts which is supporting the work of the team undertaking the Review of Public Administration. In advance of that meeting I thought it might be helpful to provide background on Tom's role within the review, and to identify some of the issues we believe he will want to address. I shall attend the meeting, and I understand that Tom has also invited Dessie Mitchell, one of the panel members, to participate. **Annex A** contains brief pen pictures of both Tom and Dessie.

Items for Discussion

2. At a recent meeting with the panel of experts Tom outlined a number of issues he wants to raise with you. These are:

Role of the Experts while the Executive is in suspension – expectation of the Secretary of State

3. The role of the experts prior to suspension is set out in **Annex B**. The main role of the experts – to mentor, monitor and quality assure the work of the Review team – can be carried as long as the review team continues its

work. The paper setting out the role of the experts clearly states that they will have an **advisory, not an executive role**- the latter being the responsibility of the review team. There would appear to be no problem with the experts continuing in this advisory capacity for the time being. However, in agreeing that the work of the Review should continue until at least the New Year, the SoS felt this should be done in a low-key manner. It would be appropriate, therefore, if the public profile of the experts was pitched accordingly during this period. The SoS also agreed that he would consult the political parties prior to a public consultation in the New Year. At that stage we would intend to clarify with the SoS the role of the experts in the consultation.

4. The Review will require political direction, and decisions will ultimately be political in nature. During this period of suspension the panel of experts cannot become a proxy for the Executive in directing the work of the review team, as they were appointed for relevant expertise in the public sector and change management, not because of any political stance. Equally care needs to be taken to ensure that the Review does not evolve into something that the Executive clearly stated it did not want – an independent review led by an independent panel i.e. turning the team and the panel of experts into an unofficial NDPB to fill any perceived “democratic deficit”.

Line to take: *the experts have an important role to play in mentoring and quality assuring the work of the review team, and this will not be affected by suspension other than to lower the public profile of that work. The longer term future of the review and the role of the experts will have to be considered after the SoS has consulted with the political parties in the New Year.*

Relationship between the experts (through Tom) and the Secretary of State/Ministers – ongoing contact

5. Tom and his fellow panel members were provided with direct access to the Executive and to Executive Sub-Committee under the arrangements agreed for the conduct of the Review. Tom is now querying what, if any, similar arrangements exist in relation to the SoS and his Ministers. This is a somewhat academic issue, and is possibly motivated more by the principle of access than by any practical need to seek meetings with the SoS during the period of suspension. He may seek support for a meeting with the SoS, but it is unclear what the purpose of any such meeting might be other than an opportunity for him to “present his credentials”.

6. Given the SoS's view that this review is the Executive's project and his role is to do no more than facilitate its continuation up to the point that the intervention of the Executive would be required, there is no question of the experts having the same relationship with the SoS as they had with the Executive. The Secretary of State has been briefed on the Review, made a decision about its short-term continuation, and asked civil servants to report back to him in January. He will not expect, or possibly even be open to, a meeting with the experts unless there is a specific and very pressing reason for such a meeting.

Line to take: the SoS is not taking over the role of the Executive and therefore would not have the same relationship with the experts as Executive Ministers. It is unlikely that, given the other pressures at present, the SoS would be open to a meeting with the experts. He has been briefed on the Review and asked officials to report back in January at which time he will consult with the political parties on the future of the Review

Contact between the experts and the political parties during suspension – in particular consultation with them on the draft consultation document without going through the Secretary of State or his Ministers.

7. The SoS has agreed that meetings with the political parties as part of the pre-consultation process can be concluded. It would not be appropriate, however, for the experts or the team to be consulting with political parties on issues that have not been cleared with the SoS in the first instance. The SoS will consult with the political parties on the next phase of the Review (i.e. public consultation). It is likely that he would want to share a draft of the proposed consultation document with the parties at that time and seek their views. He has indicated to officials that a consultation document could only issue during suspension if it was sufficiently neutral as not to tie the Executive into any particular position, and it has the support of the political parties. Given the political nature of the Review, and the sensitive state of the political process it would be highly inappropriate for the experts or team to go beyond the pre-consultation issues.

Line to take: pre-consultation meetings with the political parties, begun before suspension, can continue. It would not be appropriate, however, for the experts or the team to go beyond this. It is for the SoS to consult with the political parties on the future of the review, the public consultation phase, and the draft consultation document.

Meetings with the Northern Ireland Permanent Secretaries

8. Tom Frawley has stated that he wants to meet with

permanent secretaries to hear their "vision" for the wider public sector, and their own areas in particular. He has stated that he believes the review should be taking a closer look at executive agencies. The Chief Operating Officer has already met permanent secretaries as a group and outlined the review process. He has gained their support in securing co-operation from senior officials to work with individual members of the team in researching the work of departments and their agencies and bodies. The review team has almost completed a round of meetings with departmental boards, and individual team members are developing good contacts within departments. I believe it would cause considerable confusion if Tom were to seek separate meetings with Permanent Secretaries. It would cut across the distinction between the Review Team's responsibility to conduct the review and the experts' role to advise. My advice is that he should be deterred from embarking on such a course of action.

Line to take: given the advanced stage of the contacts between the review team and senior departmental officials, and the contact between the Chief Operating Officer and permanent secretaries it is unclear what would be achieved by a further meeting between the Chair of the panel of experts and the permanent secretaries. If the experts feel there are issues that need to be addressed with departments they should advise the team and it would be for the team to undertake further investigations as advised.

9. Tom also advised the other experts that he and Dessie would be meeting with you, and invited any suggestions for agenda items. None were offered at the time, but some might arise before the meeting. I will keep you informed if I hear anything on this.
10. Tom had also raised the issue of payment for his services and this is currently with Will Haire. Should the matter arise, you might simply acknowledge that Will is dealing with the matter and will be in touch to discuss it with him.
11. I believe it would be helpful to discuss these issues with you in more detail in advance of the meeting on 27 November and have asked your office to try to arrange this.

Greg McConnell

ANNEX A

Chair - Tom Frawley

Tom Frawley is currently the Northern Ireland Assembly Ombudsman and Commissioner for Complaints. Prior to taking up this position on 1 September 2000 he was the General Manager of the Western Health & Social Services Board. He joined the Board in 1981 held various posts within it including Chief Administrative Officer and District Administrative Officer.

He graduated from Trinity College, Dublin in 1971 when he joined the National Health Service as a Graduate Trainee before moving to the Ulster Hospital as the Unit Administrator.

Mr Frawley has also held many public appointments including being a member of the Central Services Agency for Health & Social Services (NI) 1989-96, Distinction & Meritorious Service Awards Committee 1996-2000, the NI Health & Social Services Training Council 1987-99 and the Public Service Training Council from 1989-93.

Desmond Mitchell

Mr Mitchell is currently a part-time Consultant and Advisor on Public Sector Policy. This involves work with the Strategic Planning Framework for Northern Ireland Negotiating Council – LGSC, Policy Asset Management policy and technical guidelines for local authority, Community consultation and policy development advice seminars and training, assisting preparation of EU and DFID project and programme bids in Eastern Europe and Local Government Management Programmes. Dessie is recently retired from the position of Clerk and Chief Executive of Armagh City and District Council. Previous to this he was the Clerk and Chief Executive of Omagh District Council.

Dessie Mitchell has also held numerous other positions, current include Trustee of Navan at Armagh Management Ltd, Director of Armagh Business Centre Ltd, Governor of Armagh Royal School and Advisor to Institute of Governance, Queens University, Belfast.

ANNEX B

REVIEW OF PUBLIC ADMINISTRATION: ROLE OF HIGH LEVEL INDEPENDENT EXPERTS

Background

The Executive has established a core team to take forward the Review of Public Administration which would draw its membership primarily from the civil service but also from the wider public sector (local government, etc). The Executive has also recognised the importance of a strong independent element to the Review, and agreed to appoint a small number (3 - 4) of independent experts to work closely with the Review team and offer advice and expertise on the key strategic elements of the Review. These independent experts will be supplemented by a wider group of independent experts who might be drawn upon by the team to provide "consultancy-type" advice on specific themes and issues identified by the team where existing information is not sufficient. **The role of the independent experts will be an advisory one rather than an executive one.** Nonetheless, the Executive would wish to be assured that the independent experts had been fully engaged at all stages of the Review and had had the opportunity to discuss fully with the Review team their own views, which could be reflected directly to the Executive where they were not fully reflected in the work of the Review team.

The following role is envisaged for the high level independent experts:

- to mentor, monitor and quality assure the work of the Review team;
- to assist the Executive by providing an input at each key milestone of the Review, ideally but not necessarily through work with the Review team itself;
- to assist the Review team in establishing and carrying through its strategic approach to the Review, and by offering advice and information on issues to be explored and appropriate examples of best practice;
- to provide an independent public profile for the Review, for example by assisting the Review team in its dealings with the public, the Assembly and, potentially, the Executive.

Specific responsibilities

It is envisaged that the independent experts might carry out the following specific functions (either separately or collectively):

- quality assurance of the Terms of Reference document;

- regular meetings with the Review team to establish the project plan, review progress and assist in the identification and resolution of problems;
- participation in relevant project teams in line with expertise and assistance, of a steering nature, in the conduct of these projects;
- attendance at public consultation exercises conducted by the Review team, potentially including seminars, conferences, etc. The independent experts may be invited to act as facilitators for some or all of these sessions;
- assistance, in line with the need, at meetings with the Executive and/or appearances before Assembly Committees;
- attendance, on the basis of need and relevant expertise, at study visits undertaken by the team to examine best practice from elsewhere;
- assistance and quality assurance of the information gathering and research requirements identified by the team and of the product resulting from those exercises;
- contribution, working with the Head of the team, in the formulation of major cross-cutting or strategic issues, with the capacity for offering independent advice where differences may occur;
- contribution to public consultation documents produced by the Review team, and reports to the Assembly and/or Executive;
- full contribution to the final report produced by the team, again including any necessary additional independent views not incorporated in the report itself.