

Exc 13/60

From: Peter May
Principal Private Secretary

cc: Mr Haire
Mr Lavery
Mrs Devlin
Mrs Flanagan
Ms Cassells
Mr Beattie
Mr Gamble
Ms Roulston

Date: 9 May 2000

Mr McCusker

DECISION-MAKING

I attach a draft note which draws together the thinking of the sub-group you chaired examining issues relating to decision-making.

2. Subject to any comments (by close on Thursday 11 May please), I propose to circulate this note with others in advance of the away day, and for discussion at it.
3. Before circulation to the awayday, I will add a summary of conclusions near the beginning of the paper for convenience.

Peter May

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DECISION-MAKING

The new political dispensation has given rise to the need to find new ways of working in a range of areas. One example of this is in the Office of First Minister and Deputy First Minister where the shared nature of the duties between the First Minister and Deputy First Minister requires each of them to approve all substantive decisions. The appointment of 2 junior Ministers operating on a similar basis to the First Minister and Deputy First Minister only reinforces the way decisions are taken as an issue of importance.

2. The first project board meeting on 5 April identified the issue of decision-making as one a sub-group might examine with a view to bringing forward proposals which should ultimately go before Ministers. This paper should be addressed alongside the junior Ministers paper as there is a clear linkage. In examining the question of decision-taking, the sub-group did not question the overall requirement which flows from the GFA and the allocation of duties of junior Ministers for dual approvals by both the First Minister and Deputy First Minister and by both junior Ministers. Two particular categories of issue were used as exemplars to unpack the issues. They related to the preparation for the Executive Committee and Assembly questions.

Executive Committee: Issues

3. The sheer volume of papers to be cleared by the First Minister and Deputy First Minister (most of which had been produced by OFM/DFM) for the Executive Committee each week led to considerable pressures. Often timescale meant that the issues to be addressed had not been signed off at adviser level. The timescales for clearance to meet the terms of the Ministerial Code were extremely tight, bearing in mind the proximity of the previous Executive Committee meeting, and the limited time available for the First Minister and Deputy First Minister in diary terms. This often led to deadlines being missed, and consequent complaints from Departmental Ministers.

Involvement of Advisers

4. A series of proposals have been brought forward to seek to address some of these problems. Firstly, the Department would seek in developing policy proposals to involve the special advisers of both the First Minister and Deputy First Minister earlier in the process than had hitherto been the case. Submissions to Ministers would then normally either include policy proposals which had the general endorsement of advisers or where difficulties remained, the areas of disagreement could be made clear in the submission, along with any proposals to bridge the gap. The submission would indicate the extent of involvement of advisers and whether the paper was agreed or not. That process would not imply any reduction in room for manoeuvre on behalf of either the First Minister or Deputy First Minister on receipt of the submission, but would be designed to help speed the clearance of submissions in the majority of cases.

Clearance

5. The short deadlines for clearance of Executive Committee papers could be addressed by trying to pull forward consideration of the papers for Executive Committee by a week so that the First Minister and Deputy First Minister are asked to approve papers for discussion at the Executive Committee well ahead of the time for circulation collapsing the approval and the circulation into the same very short period of time.

Ministerial Representatives

6. In addition, the meeting of Ministerial representatives would provide a mechanism for greater forward planning both in terms of the agenda for future Executive Committee meetings and in terms of the consideration of papers (or at least the main proposals likely to feature in papers) to come forward to the Executive Committee. That latter process would allow potentially controversial issues to be flagged up, and further discussions between departments (whether at adviser or official level) to resolve as many of the difficulties as possible before consideration at the Executive Committee. Certainly, wherever possible, business should be cleared by the Ministerial representatives meeting the week ahead of the Executive Committee meeting for which the papers were to be issued. These would

ease problems with the circulation of papers, and help provide early warning for any potential difficulties.

Exceptions

7. Clearly, there will be occasions which an Executive meeting will request papers for its following meeting, or where issues of public concern will arise which require urgent briefing and consideration by the Executive Committee. Those matters of urgency will need to try to be resolved within the time available, but at least a substantial amount of the programmed business should have been cleared already.

Timing of Executive Committee

8. In addition to these measures, Ministers might consider whether the Executive Committee might take place later in the week, for example, on Thursday. This would mean that Ministers were not under such pressure of Assembly business (although Committees would still be sitting) and also provide more time to examine and be briefed on papers for the Executive Committee, given that the Ministerial Code requires papers to be circulated at least one week-end before the relevant Executive Committee business (ie, still the Friday before whenever the Executive Committee meets in the week).

Frequency of Executive Committee meetings

9. Ministers might also consider whether a weekly meeting of the Executive Committee is the best way to proceed, given the pressures that has tended to lead to. An alternative would be to consider fortnightly meetings of the Executive Committee, perhaps on a trial basis running up to the summer recess.

Role of OFM/DFM in Resolving Difficulties

10. The experience of devolution was that it was not uncommon for the Executive Committee to re-schedule discussion of lengthy or difficult policy issues for the following week, particularly on the basis of some issues on which there had not been agreement first time round. In considering its role, the Office of First Minister and Deputy First Minister might seek to play a more proactive role in facilitating the smooth running of the Executive by

addressing such issues. On a couple of occasions (health spending and drugs), this sort of approach proved effective, drawing together the relevant departments (including advisers) under the chairmanship of a senior official in OFM/DFM and seeking to find a common set of proposals which could be put to the following week's Executive Committee meeting.

Executive Committee Agenda

11. The length of Executive Committee meetings agenda was also a feature of the previous period of devolution. It is proposed that routine matters should be addressed by way of Ministerial correspondence (with any Minister allowed to ask that the issue be tabled for discussion at the Executive). In addition, agendas for the Executive Committee might be broken into two parts: the first would deal with issues for substantive discussion and the second would be papers circulated on a take-note basis.

Awaydays

12. Parallels from the European Commission have suggested that Ministers might consider holding regular (perhaps annually or 6-monthly) awaydays for the Executive Committee. This would involve all Ministers agreeing to meet for a day out of the office in order to take a more reflective view on the overall conduct of business and some of the key policy issues facing the Executive. An example of the sort of business which could be transacted would be consideration of the programme for government once the draft has reached a relatively advanced stage.

Assembly Questions

13. The process of developing answers to oral questions and the potential supplementaries had faced difficulties in terms of securing clearance quickly and late identification of further potential supplementaries.

14. It is important to identify the political angle to questions which had been posed at the earliest possible stage. One way of achieving this would be for an early meeting of junior Ministers, advisers and officials on receipt of oral questions. That would enable potential supplementaries to be identified, and due consideration to be given to draft answers.

15. Once collated the Department would submit all draft answers and background notes to the First Minister and Deputy First Minister (copied to junior Ministers) and these would provide the basis of a 'tops brief' for all questions.

16. It is also proposed that guidance on procedures for Assembly questions to be followed within the Department and in relation to questions which cross Departmental boundaries should be prepared. This would help to clarify the nature and format of the task to those who have not had extensive experience in preparing answers to AQs.

17. In negotiating answers to AQs (written and oral it had not always been easy to identify who the lead person was in each private office. As a result, it is proposed that each private office would identify one lead co-ordinating contact for the clearance of all AQs. That individual would be responsible for ensuring all interests within the Private Office had been consulted.