

Good Government in Northern Ireland



PIVOTĀL

PUBLIC POLICY
FORUM NI



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Executive summary

Northern Ireland has a government again. This is cause for hope. *New Decade New Approach (NDNA)* sets out an ambitious agenda for the Northern Ireland Executive. However, these commitments will not work without a change of culture at Stormont.

Northern Ireland has a government again. This is cause for hope. *New Decade New Approach (NDNA)* sets out an ambitious agenda for the Northern Ireland Executive. However, these commitments will not work without a change of culture at Stormont.

These are early days, but a determination to pursue constructive politics is apparent – in line with what the public clearly wants. NDNA is explicit in its ambitions to address issues in health, education and infrastructure that have been growing concerns for years. The scale of the ambition is welcome. However, tackling the problems facing Northern Ireland will be extremely tough. A government that functions properly will be essential.

This paper looks back at how past Executives have governed Northern Ireland, and considers what this means for the new Executive. It concludes that serious change is needed in how the Executive works if the commitments in NDNA are to be delivered.

The effectiveness of past governments

Past Executives did important work. The existence of any government at all was a major achievement given what went before, and subsequent successes include high levels of foreign direct investment, the flourishing of sectors like tourism, cybersecurity and film, and mitigations against some elements of welfare reform.

The main focus of the Good Friday Agreement was on creating a political structure that bridged community divisions and got opposing groups to work together. That first step was essential but, in many ways since, Stormont's policy work has fallen short.

Northern Ireland's economy is weak, the health and social care system is crumbling, community divisions remain, and little has been done to tackle climate change. All these issues pre-date the recent three years of governmental hiatus.

Previous Executives avoided difficult decisions. Long-term thinking was scarce. Many policy areas saw plans and strategies that fell down during implementation. Challenges were met with a lack of collective ownership, with ministers and civil servants often working in silos.

These shortcomings took place in a political culture that often put policy on the sidelines. Issues like improving economic performance, educational inequalities and infrastructure were rarely the main focus of public discourse.

The Executive has operated with limited openness and transparency. Decision were made behind closed doors, with little effective input from outside. Some of the real decision-makers had no public accountability.

There have also, at times, been indications of serious scandal. Any such behaviour represents an enormous stain on a government and on those involved. Even the indications of scandal weaken an Executive's moral authority and ultimately its capacity to change.

Changing the way government is done will not be easy, and cannot solely be done by politicians and civil servants. The whole community – including the media, civic society, academia, business and the general public – must actively contribute to a better informed and more productive debate. Civil servants and politicians must be willing to relinquish their monopoly on public policy.

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A new culture is needed

Northern Ireland now has a chance to do better. NDNA recognises many of the issues that have hampered Stormont over the past two decades, makes commitments to deal with some of them, and offers a foundation for the future.

However, for government to work – indeed, for even NDNA to succeed – Northern Ireland needs a shift in its whole political culture. Policy matters and the performance of public services need to be prioritised. Difficult decisions lie ahead.

Demanding more money from London may be necessary in the short term, but is not a sustainable strategy – nor does it remove the need for difficult choices in policy. Politicians and civil servants must take collective ownership of local problems.

The governmental shortcomings identified in this paper fit under three themes:

Purpose and vision – the Executive is built without a pre-existing sense of purpose, given its political make-up. This lack of unity is compounded by the fact departments are funded in silos. This must change.

The Executive is collectively responsible for overseeing policy and the way it operates should reflect this. Politicians from different parties who are in government together need to commit to proper cooperation as part of a unified Executive. The Programme for Government framework could help

achieve this greater sense of common purpose, if implemented properly - with an appropriate set of outcomes and measures, and effective external engagement.

Competence – government relies on the Executive, Assembly and civil service performing their respective roles effectively. Serious doubts have been raised about their competence, such as in the case of RHI.

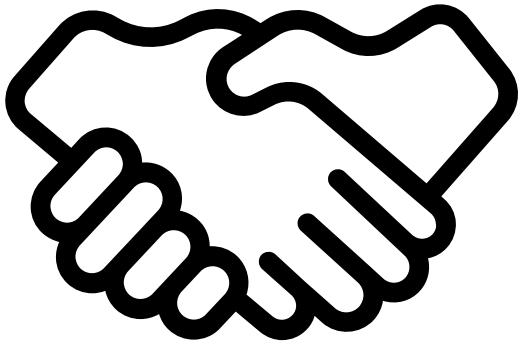
The public has a right to expect a government that works in their best interests. All parts of government must now demonstrate their competence.

Civil servants must feel able to speak up in the interests of the public. The Assembly has to show it is capable of scrutinising the work of the Executive. Expert external advice should be welcomed.

Good standards – various scandals, such as RHI, have raised questions about ethical standards at Stormont. They include accusations people acted for personal or party gain, and that politicians directed money or other benefits to favoured organisations.

Decisions have been made without transparency. Codes of conduct have apparently been breached without consequence.

Stormont's rules and procedures should be reviewed – but this means nothing without enforcement. In particular, Special Advisors should no longer wield power without accountability.



New Decade, New Approach

New Decade, New Approach includes a number of commitments that address the economic, social and public service problems facing Northern Ireland, and which will form part of a new Programme for Government.

Its focus on mental health, climate change, infrastructure, and reform of health and social care is welcome. It has the potential to bring substantial and much-needed change, if it is delivered well.

However, the commitments leave much to be filled in. They are often unspecific or require further work, such as the development of strategies. Tangible improvements that help people in their everyday lives requires effective delivery over months and years.

NDNA emerged from a behind-closed-doors negotiation between the parties, governments and civil service. There was no public engagement, although that is promised in the future.

The deal could kickstart real reform in Northern Ireland, but none of this will work without a true change in culture.

10 features of effective government

Pivotal has identified ten features of an effective government. The Executive, Assembly and civil service need to fulfil each of these for Northern Ireland to have the best government possible:



A common purpose

The Executive must develop a sense of common purpose and shared vision. Genuine cross-department working (including shared budgets) is essential. If used well, the Programme for Government could be the tool to help drive this change in culture.



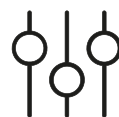
A clear focus on delivering improved outcomes

The Executive should show how it will plan, deliver and monitor departments' actions to ensure that Programme for Government commitments translate into real changes in people's lives.



Makes tough choices

The Executive should demonstrate an ability to make collective tough choices on critical issues like public service rationalisation, for example through genuine reform in health and social care and other public services.



High levels of competence

The civil service must ensure that staff have sufficient expertise to make correct recommendations to ministers about policy development and delivery, and seek external support where they do not.



Makes decisions for the long-term

The Executive should commit to planning for the long-term. A new external body could provide advice on the development of the Programme for Government, including assessing whether its current plans put Northern Ireland on track for 5, 10 and 20 years from now.



High ethical standards

Ministers, Special Advisors and civil servants should adhere to rules set out in *New Decade New Approach*, with effective enforcement by new Commissioners for Ministerial Standards and the Assembly's Committee for Standards and Privileges.

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Proper scrutiny

The Assembly and its committees should ensure more rigorous scrutiny of policy development and delivery. The Executive should provide all necessary information to committees.



Engagement of those outside government

Academia, interest groups, think tanks and the public should be much more involved in public policy development and scrutiny. The Executive and civil service should enable this engagement by making information and opportunities available, for example in the development of the Programme for Government.



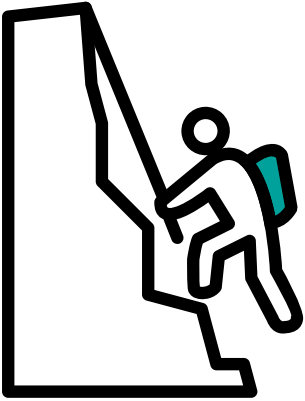
Transparency and accountability

Ministers, Special Advisors and civil servants should demonstrate how they made decisions and keep proper records.



Commitment to value for money

Executive and civil service should re-commit to ensuring value for money for all spending.



Conclusion

There is much to be welcomed in the return of the Executive and the policy commitments in *New Decade, New Approach*. However, effective delivery of these commitments requires a big cultural change in how the Executive operates, including:

- **Making tough choices** – the Executive must collectively tackle difficult problems such as reform of health and social care, where difficult decisions were avoided for years before the current crisis was reached.
- **Long-term planning** – Stormont has lacked a true vision of what public services should look like five, 10 or 20 years in the future. Recurring issues like the weaknesses in the economy need a long-term approach.
- **Engagement with those outside government** – major decisions are routinely made behind closed doors. Even *New Decade, New Approach* – which this report welcomes – was the result of hidden deal making. Politicians and civil servants cannot monopolise policy. Outside involvement should be the norm, to the benefit of all.

Northern Ireland faces a raft of challenges but they are not insurmountable. Stormont has a chance to make real improvements to people's lives and lead Northern Ireland into a better future. To achieve this, an honest commitment to working for the long-term benefit of the public is essential.

Introduction

This paper looks at how government has been carried out in Northern Ireland over the past two decades. It argues that real changes in culture are essential to bring about lasting improvements to government in NI.

This paper looks at how government has been carried out in Northern Ireland over the past two decades. Government primarily means the Northern Ireland Executive, but also covers the Assembly, the civil service, and how they all work together.

For something so important, this issue has received fairly little attention. This paper's chief purpose is to pinpoint ways of improving government now and in the future. As part of that, it examines the commitments made in *New Decade, New Approach* (NDNA) and how much progress that deal is likely to bring.

This paper draws, in particular, on three earlier pieces of work:

- a report published by Queen's University's Policy Engagement Unit called *Policy, vision and good government in Northern Ireland* (September 2019), that looks into **decision making under devolution** and which sets out the rationale behind the foundation of Pivotal;
- a report by the Institute for Government (*Governing without ministers, September 2019*) on **how Northern Ireland was run after devolution collapsed**;
- Pivotal's first report, *Moving forward – putting Northern Ireland on track for the future* (November 2019), on the economic and social challenges facing people here.

Insights into the inner workings of government disclosed during the RHI Inquiry also play a significant role in our analysis.

This report centres on doing government better in the future, not apportioning blame for past failings. It is important to look at the record of the Assembly and Executive up until now, both positive and negative, to identify how to create the best possible government for Northern Ireland's future.

Pivotal does not suggest any reform of the core architecture of the Assembly and Executive as established by the Good Friday Agreement. There is scope for changes in detail, but the focus here is on the culture of politics and policy, not the structure of the institutions.

This paper argues that real changes in culture are essential to bring about lasting improvements to government in Northern Ireland.

Stormont's record

Establishing a government in Northern Ireland was remarkable, given the politics and conflict of previous decades, but today there are serious ongoing problems with the economy, in society and with public services. Inevitably these call into question the effectiveness of Stormont since 1998.

That the Assembly and Executive were established and functioned at all was remarkable, given the politics and conflict of previous decades. The Stormont institutions were formed without any recent template for responsible government in Northern Ireland. They emerged in a political culture that emphasised division rather than unity, and where economic and social issues were never the top priority.

Following the Good Friday Agreement, former adversaries worked together – something almost unthinkable just a few years before. It was the start of a new chapter for Northern Ireland. What has come since is emphatically better than what went before.

At various times politicians took significant risks to ensure the settlement worked. It would not have been possible without a strong and effective civil service. None of this should be underestimated.

Moreover, there are some tangible stories of success stemming from the work of the Executive, including:

- An impressive record of bringing foreign direct investment into Northern Ireland.
- Some domestic firms thrived with Executive support. In areas such as cybersecurity, the creative industries and pharmaceuticals, Northern Ireland is home to world leaders.
- Tourism grew on the back of efforts from the Executive and North-South collaboration. This built on the international goodwill for Northern Ireland generated by the peace process. In recent years, the region's fame as a backdrop for world-renowned TV shows and cinema has resulted in a new wave of visitors.

- Northern Ireland continues to score highly on measures of life satisfaction, despite economic indicators being weaker.
- Mitigations were secured against some of the UK's programme of Welfare Reform. These are unique to Northern Ireland and have made a difference to individuals and families facing financial hardship.

Some past wrongs were addressed, notably through the Historical Institutional Abuse Inquiry. More powers were passed to local government, and efforts were made to streamline some elements of the public administration system.

The public service problems of today are central matters for government and they are years or even decades old.

Nevertheless, there are very serious ongoing problems with the economy, in society and with public services. Pivotal's first report set out how much needs to be done to put Northern Ireland on a better course for the future:

- The economy is unbalanced and the private sector is small. Productivity is the lowest in the UK. While unemployment is no longer significantly higher than elsewhere, many jobs are poorly paid and insecure. Economic inactivity is higher than other UK regions.
- The health and social care system is struggling with growing demand. Waiting lists have ballooned and now dwarf those in the rest of the UK.
- The schools system has elements of excellence but fails many children. Long-standing inequalities remain in place. Furthermore, Northern Ireland has the lowest skills levels of any UK region.
- A fifth of the population lives in poverty, including a quarter of all children – whose life prospects are therefore worse than their peers.
- Society remains severely marked by division. The concept of a shared future has broad support but difficult decisions to pave the way have been avoided.
- The challenges of climate change remain unmet, even by the modest standards set elsewhere.

These problems are central matters for government and they are years or even decades old. Inevitably, they call into question the effectiveness of Stormont since 1998.

Meanwhile, the RHI Inquiry shed light on how government business is done. It may not have been typical; the Renewable Heat Incentive was not a major policy, and only received wide attention when it had run out of control. However, what happened with RHI offers an insight into government behaviour that may help explain why Northern Ireland remains beset with economic and social problems.

Before looking at how the Executive could do better, it is worth pointing out that, as well as the obvious benefits brought by smart policy, strong performance brings stability to the institutions themselves.

The collapse of Stormont in early 2017 was made much more likely by the Executive's low public standing, and the limited scale of its achievements. The continuation of government was not an absolute political imperative at the time.

Public perceptions of devolved government had been poor for years. The 2014 Northern Ireland Life and Times survey asked the public about their satisfaction with MLAs' performance, with 21% of respondents saying they were fairly dissatisfied and 45% saying they were very dissatisfied.

The same survey in 2015 asked people how much they felt the Assembly had achieved – with 11% saying a lot, 48% a little, and 31% "nothing at all".

Areas for improvement

Good governments develop policies to meet long-term needs. They manage their business well, with openness and honest intentions. They maintain high ethical standards.

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There are significant problems with the economy and within society. Public services are struggling. The short- and long-term needs of Northern Ireland have not been adequately addressed. All this calls into question the Executive and civil service's approach to policy development and implementation, the Assembly's scrutiny of this approach and, ultimately, the political culture they operate within.

Pivotal has identified a number of shortcomings in government. These fit under three key themes.

Purpose and vision

The Executive is built without a pre-existing sense of **common purpose**. This is hard to avoid entirely. Northern Ireland's political structures were primarily designed to ensure former adversaries worked together. These structures remain necessary, but change is needed to ensure that they deliver effective government.

The government's inherent lack of a common purpose is compounded by the **isolation of individual departments**. Departments are headed up by ministers from opposing parties. They are funded in silos with little incentive to work together. They can, to some degree, operate as individual fiefdoms. The structures do not encourage joined-up public services.

Silo working, and its negative effects on policy, is one theme to have emerged from the RHI inquiry - but this is not an isolated case. The Neighbourhood Renewal programme

was launched in 2003 to tackle poverty and disadvantage in deprived parts of Northern Ireland. A core aim of the programme was that it should be cross-cutting and facilitate cooperation between departments. However, its 2014 official final evaluation found that silo working nonetheless continued.

Other areas criticised for silo working include policies to improve outcomes for children in care, and even Delivering Social Change – another programme explicitly aiming to cut across Executive departments.

Long-term planning is largely absent. Policy design is tied to the life of an Executive. Little discussion goes beyond that five-year timescale. Other governments do this better.

Examples include the Assessments produced by the UK's National Infrastructure Commission (which, because these responsibilities are devolved, does not include Northern Ireland) and the Republic of Ireland's Project Ireland 2040.

This is exacerbated by the way the system and culture make it easy to **avoid difficult decisions**. For example, inaction lasting years is a cause of the acute problems now facing health and social care. Failures to address the agenda of a shared future mean we are still living with divisions between communities. The current state of academic selection at age 11 is effectively an interim system running in perpetuity.

The Executive produced numerous strategies but they were rarely implemented in full. No-one's life changes because a government publishes a plan.

Perhaps the most significant area of concern is **delivery**. The Executive produced numerous strategies but they were rarely implemented in full. No-one's life changes because a government publishes a plan. Too often, there is a gap between the Executive's policy commitments to improve society and what is actually delivered on the ground.

The ongoing, and growing, pressures on health and social care were foreseen long ago. 2011's Transforming Your Care provided a comprehensive vision for change yet, almost a decade on, most of this work remains to be done.

Autism is a growing issue in Northern Ireland, with per capita instances of the condition growing year on year. The Autism Act 2011 and subsequent Autism Strategy were well received but their commitments have largely been unfulfilled.

Childcare is another major matter for Northern Ireland, with provision lagging behind the rest of the UK. The 2011-15 Programme for Government promised a comprehensive childcare strategy. A draft was produced and consulted upon in 2015 but no final strategy was ever delivered.

The process for creating a Programme for Government (PfG) is supposed to compensate for some of these obstacles, and help instil a sense of collective purpose and endeavour. This is to be welcomed, but so far its impact on political behaviour and the pursuit of genuine collaboration has been limited.

One key weakness is that, to date, it has largely been a technocratic exercise. The PfG is the guiding vision for each Assembly mandate and yet it is generated within the bureaucracy (albeit drawing on input from some public consultation). It excites limited political or public interest.

Outside contributions that could bring better approaches or draw attention to failings are not encouraged, and perhaps even deterred. The Executive has shown a recent preference for secrecy over transparency, for example the practice of not keeping records of meetings revealed in the RHI Inquiry.

Competence

Effective government relies on the Executive, Assembly and civil service fulfilling their respective roles and working well together. There are serious questions about how well several of these roles have been carried out.

In particular, doubts have been raised about the **competence of parts of the civil service**. This situation has moved into the spotlight because of RHI. The administrative failings in that case cannot be dodged. More worryingly, they invite questions about whether such shortcomings are systemic in the NICS.

The civil service undertakes many projects and few, if any, have suffered such catastrophe as RHI. Nevertheless, RHI has left the NICS needing to demonstrate its own fitness for purpose. The findings from the RHI Inquiry could lead to some answers on this issue.

The resources devoted to crafting the Northern Ireland version of RHI may in retrospect have been seriously inadequate. Shoestring policy development may have grave implications and, if a policy cannot be done properly, maybe it should not be done at all.

The effectiveness of scrutiny is also questionable. Such oversight should come first from civil servants themselves as policy is developed, then from ministers and the broader Executive, and also from the Assembly and its committees.

The Assembly itself has done little to develop new ideas in public policy. Its role in oversight of the Executive has been limited.

Civil servants should both be well placed to spot problems in planning, and also feel able to speak frankly about these within the government system. Externally, media, academia and other experts should have a role in scrutiny.

Good standards

Various episodes in recent years, including RHI, led to questions about **ethical standards** at Stormont. They include accusations people acted for personal or party gain, and that politicians directed money or other benefits to favoured organisations.

Central to the RHI case are claims that senior individuals within government – including ministers, SpAds and civil servants – kept the scheme going even after discovering that costs were spiralling out of control. Other cases involving allegations of improper behaviour include Red Sky, the Social Investment Fund, and the circumstances surrounding the sale of Nama's Northern Ireland portfolio.

A lack of transparency and accountability about decision-making is a concern. The degree of unaccountable power exercised by Special Advisors within the system of governance and the influence of party structures outside Stormont has also been questioned.

The Assembly itself has done little to develop new ideas in public policy. Its role in oversight of the Executive has been limited. It could have done more to challenge behaviour that fell short of ethical standards. Departmental committees are supposed to play a strong role here but they could have had greater impact.

RHI was a relatively simple policy of cash incentives for using renewable heat sources. The potential for runaway

payouts should have been revealed by committee scrutiny before it was implemented. In the case of Red Sky, even though a full committee inquiry eventually took place, this piggybacked on the work of local journalists rather than proactive committee investigations.

The Institute for Government (IfG) report into government in Northern Ireland is explicitly critical of committee oversight, including in a weakness of approach. It says: "It is notable how reluctant NI committees were to engage on Brexit, despite its importance for Northern Ireland: in the period between the 2016 referendum and the fall of the executive there were only two evidence sessions focussed on Brexit – one by the Committee on Agriculture, Environment and Rural Affairs and one by the Justice Committee."

The IfG also notes several reasons for lack of committee punch, including its strict adherence to openness – which the IfG argues could hamper plain-speaking debate – and a severe lack of support. Assembly committees have no dedicated research staff and the research team for the entire Assembly only numbers around 20 people in total.

Doubts have been raised about whether traditional principles about ensuring **value for public money** gave way to a desire, across the devolved system, simply to maximise Northern Ireland receipts from the Treasury. This is improper in principle, and can create perverse economic incentives.



Rules and procedures exist to prevent some of these abuses but they have not always been enforced. There are also doubts whether civil servants have felt willing and able to perform their roles as guardians of good standards.

The Social Investment Fund, a major aspect of Delivering Social Change, saw several allegations of officials failing to uphold rules and procedures. The RHI inquiry heard repeatedly from civil servants who described a culture of maintaining the appearance of good standards, rather than good standards themselves. The Head of the Civil Service even admitted that officials took conscious decisions to not record internal discussions because they were afraid of getting on the wrong side of politicians.

A political culture in need of change

The establishment of power-sharing institutions was a huge moment for Northern Ireland but the overall performance of government at Stormont has shown serious weaknesses. Past Executives could and should have achieved more. If they had, the Assembly and Executive might have risen in public esteem, rather than be faced by doubts and cynicism.

None of this happened in a vacuum. Northern Ireland's political culture pays little attention to good government. Policy is often squeezed out of public dialogue by the traditional discussions about identity, culture or the past.

It is clear that significant changes in culture are needed.

Doing things better

Governance in Northern Ireland requires reform. This will take time – but the need is urgent. The Executive, Assembly and civil service will all need to embrace new ways of working.

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Superficial changes, rather than substantive reform, would be unacceptable - especially given the current state of public services. Instead, longer-term and underlying problems must be addressed. The question is how best this can be done.

In finding solutions there should be no unnecessary additions to bureaucracy. Any new rules and processes must be straightforward to understand and easy to implement.

Purpose and vision

The following aims should clearly be accepted and pursued:

- The Executive faces up to policy challenges and opportunities collectively and with a sense of common purpose.
- The Executive has a relentless focus on delivery, ensuring its policies are enacted properly and produce real improvements in people's lives.
- Individual ministers and the Executive as a whole embrace the need for taking tough choices on difficult issues.
- The Executive looks beyond five-year Assembly terms and plans for the long-term benefit of Northern Ireland.
- The Executive provides proper information on the public policy agenda, to facilitate scrutiny. At the same time, the Assembly finds ways to better scrutinise

the operation of government, and to make a greater impact on public policy – as in other legislatures.

- The role of people and groups outside government is recognised and encouraged. The media should also be enabled and encouraged to play a positive role in fostering debate around policy development, as well as scrutinising the work of government.

The Executive needs to develop a **common purpose** and work as a single unit. A key tool to achieve this may already be in place. The last Programme for Government (PfG), published as a draft in late 2016, used an outcomes-based approach with multi-year budgets.

This relies on several departments working together towards common goals. To be effective, collaboration across traditional silos is essential. The challenge is that this represents a huge cultural shift for Northern Ireland ministers and departments from what has gone before.

It will also be important that the outcomes and measures chosen in the PfG are a good match for the things that matter most to people.

The PfG framework should mean more policies are **properly delivered**, because of the monitoring of and accountability for improvements to outcomes. However, more clarity is needed on how this will be achieved in practice.

Radical reform is needed in many areas of public services; the Executive must collectively tackle this head on.

The commitments in NDNA are extremely ambitious, and will require a relentless focus on delivering improved outcomes. Good policy design is essential, but won't improve lives unless it is followed up by effective implementation.

Fulfilment of *New Decade New Approach's* commitments requires **tough choices**. Budgetary pressures and the urgent need for reform mean that government can no longer continue to manage from year to year with a sticking-plaster approach, avoiding difficult decisions.

The current state of public services is partly a result of failures to make structural changes in the past. Radical reform is needed in many areas of public services; the Executive must collectively tackle this head on.

The Executive must also **look to the long-term**. Past policy making fell down because plans were made year by year or, at best, to the end of one electoral cycle. Many of our problems stem from this lack of long-term thinking.

There would be value in considering an organisation **outside of government** to provide independent advice on the Programme for Government and on long-term policy making. Such an organisation could bring in outside expertise and enhance public debate about policy. It would need to be protected from party political influences during its work, but politicians would make the final decisions following its advice.

The Institute for Government proposes "buttressing institutions" to support politicians and civil servants, to ensure politics does not hamper policy on long-term issues. Examples elsewhere include the Australian Productivity Commission, or What Works centres in other parts of the UK.

While creating new organisations should always be done with caution, it does seem like a significant change is needed from the current situation.

Assembly involvement in policy must improve greatly. Assembly Committees should take the lead on this. That has always been their chief role yet in some cases in the past their touch has been soft and their analyses have lacked rigour.

Committees, too, should embrace outside help. Lessons should be learned from other jurisdictions in the UK, in Ireland, and further afield. External people could play a part in the role of committees, and help them become effective instruments of policy making, rather than an extension of the political game.

To be truly effective the PfG needs to be developed with **real engagement from the public**, and with political buy in. It needs to be a central feature of political life. Simply making the process more accessible won't achieve this.

Concrete measures are needed to shift public discourse, putting short- and long-term policy at the heart of political dialogue. This must extend to the civil and public services, to the media, and to the broader political culture – involving business, trades unions, the third sector, academia and more.

Here Pivotal itself has a role to play and, in the coming months, we will launch a project looking at creating a coherent vision for the next 20 years, with wide participation from across Northern Ireland.

Government should be conducted with high ethical standards. Rules should be observed and properly enforced.

Competence

It is reasonable for the public to expect that:

- The civil service and wider public services can be relied upon to be technically competent.
- Ministers and Special Advisors demonstrate competence within their roles.
- New policies are effectively planned and resourced, and not undertaken if this is not the case.
- Any outside consultant assisting with the workings of government has appropriate expertise, and their advice is acted upon with integrity.

The civil service has apologised for **failings exposed in the RHI case**. As a result, changes have been made in several areas, including with processes, human resource management, and provision for whistleblowers. However, this is only a start, as acknowledged by NICS.

A comprehensive assessment of civil service shortcomings is difficult due to a lack of public information. The organisation is a closed book to outsiders. The RHI Inquiry shed some light, and its report may offer more. However, this is likely to focus only on parts of the official machine involved with RHI itself, a fraction of the civil service's policy-making and implementation core.

Specific measures to enhance the civil service may be needed. This might mean new personnel, particularly with specialist skills, development of existing staff, an increased openness to fresh ideas, or all of these.

The Institute for Government suggests more exchanges with outside organisations might help. These could be within or outside Northern Ireland, and in the public sector or elsewhere.

Links between Northern Ireland and civil services elsewhere are rare and building these relationships could have a role. Regular discussions with civil servants in other UK devolved administrations, the Republic of Ireland and further afield could also contribute.

Good standards

The following aims are self-evidently good and should be widely accepted:

- Government is, and is seen to be, conducted with high ethical standards. Rules should be observed and properly enforced.
- The proper roles and accountability of ministers, SpAds and civil servants are understood and observed. Where anyone exercises power, there must be an effective means of making them publicly answerable.
- People within the civil and wider public services feel fully able to tell truth to power, without detriment to their careers.

There should be **new rules** on ethics, finance, and the role of SpAds. One of the roles of civil servants is as guardians of good conduct – this needs to be strengthened and better protected.



However, rules alone are insufficient. **Proper enforcement** is essential. There is clear evidence, including from RHI, that existing codes were ignored or circumvented. One solution could be a new watchdog with independent powers, a public advocate of good standards with appropriate transparency.

Any new arrangements cannot afford to be mere gestures. Whatever form the oversight takes it must be effective and constructive. It must be a robust resource for those in government seeking to do the right thing - in particular anyone fearing for their career if they speak up.

The Institute for Government suggests putting the NICS on a statutory basis with a formal duty to serve the public interest, rather than their departmental minister, and act as stewards of the longer term – drawing on plans currently before the New Zealand Parliament, involving a Public Service Commissioner to oversee the performance and integrity of the system.

The ten features of good government

The shortcomings of government in Northern Ireland have been multifaceted. The underlying reasons are complex and intertwined, as shown by the analysis of this paper. However, we have identified ten crucial features leading to effective policies and public services.

A good government:

1. Works across departments with a common purpose, recognising the cross-cutting nature of many public policy challenges
2. Makes tough choices in the best interests of the public overall, rather than area or sector interests - particularly about public service rationalisation
3. Plans and delivers for the long-term, not just year to year
4. Focuses on delivery and improving outcomes, ensuring policy choices lead to real-life changes
5. Demands high levels of competence from ministers and civil servants
6. Demands high ethical standards from all involved, with proper enforcement of codes of conduct
7. Ensures proper scrutiny of government internally, and is welcoming of and helpful to external oversight
8. Is transparent about how decisions are made, and has clear accountability for those who make decisions
9. Engages effectively with groups and individuals outside government throughout the process of policy development (including with the public, academia, think tanks and interest groups)
10. Commits to achieving value for taxpayers' money

New Decade, New Approach

New Decade, New Approach offers a reboot of the Stormont institutions. It includes a large number of much-needed commitments on health and social care, education, infrastructure investment, climate change and other issues. The key will be how it is implemented.

New Decade, New Approach offers a reboot of the Stormont institutions. It includes a large number of much-needed commitments on health and social care, education, infrastructure investment, climate change and other issues. While some of these are about specific actions, many are commitments to develop policies or strategies over the coming months.

The deal is the product of political negotiation and civil service deliberation. There was no public discussion of its detail. Nevertheless, it came at a time when public frustration at the ongoing collapse of Stormont was growing. There was clear public pressure for the Assembly and Executive to get back to work. In its own way, this presents an opportunity.

How much does *New Decade New Approach* address the issues identified in this report about government in Northern Ireland?

Purpose and vision

The Programme for Government represents a significant opportunity to improve policy design and delivery. If properly implemented, it could drive more cross-departmental working, ensure better policy making, and provide a clear focus on improving outcomes that matter to people in their day to day lives. Proper implementation of the PfG framework would represent huge progress towards addressing some of the difficulties that have held back past Executives.

NDNA acknowledges the need for **long-term decision-making**, even though much of its focus is on the immediate future. From 2021-22 the Executive will put in place multi-year budgets (minimum three years) where the

UK Government has provided multi-year funding. This will enable better medium-term planning.

NDNA commits to a PfG that is a “shared and ambitious strategic vision for the future” to be developed through “**citizen and community engagement and co-design**”.

The deal makes proposals on “Structured Civic Engagement”. The Compact Civic Advisory Panel should be commissioned to consider one or two issues a year for civic engagement. These issues could be identified by the Executive, with the prospect of one Citizens’ Assembly per year.

This commitment to external engagement is welcome, but it represents only a small contribution to policy making, with the Executive setting the terms. This cannot be the limit of enhanced civic engagement. There needs to be a serious willingness to involve people outside of government in policy development.

Another potentially important commitment in NDNA is for the establishment of an **independent Fiscal Council**, similar to the Office for Budget Responsibility in London, or the Scottish Fiscal Commission. It will provide an annual independent assessment of the Executive’s revenue and spending plans, and will prepare an annual report on the sustainability of the Executive’s finances.

Such an organisation is only of benefit if it pursues its purpose robustly – with credibility, expertise, and as a truly independent organisation, ready and able to engage in political debate more widely.

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NDNA makes clear the accountability of ministers to the Assembly, and the need for Assembly committees to be provided with the information they require. However, there is scant detail on **increasing the Assembly's capacity for scrutiny and proactive policy development**.

It mentions provisions for Opposition, which were not in the event taken up, and an Assembly Committee to oversee the PfG. The latter would only be effective if the committee system itself is strengthened to better meet its stated functions.

Competence

There is little in NDNA about creating and maintaining **competence**. There is a brief statement that "there will be further reform of the Northern Ireland Civil Service", but with no detail of what this entails. There is to be a subcommittee of the Executive on RHI to look at proposed further reforms in the light of the Inquiry's report.

Any reforms decided entirely in house will be met with scepticism. External involvement is necessary in identifying problems and crafting solutions. Expertise from outside Northern Ireland should be involved, and should consider the lessons for the civil service, wider public services, and those outside government.

Good standards

NDNA covers a lot of ground on building and maintaining **good standards**. This includes revising codes of conduct for official positions. Indeed, those on special advisers have been brought into effect already (with no public consultation, on grounds that they were needed immediately).

The deal also has an agreement to establish a "robust, independent enforcement mechanism to deal with breaches

of the ministerial code and related documents". It sets out details about new Commissioners for Ministerial Standards. Three new commissioners will be appointed by the First Minister and deputy First Ministers. They will work with the Assembly Commissioner for Standards to investigate complaints about ministers. They will not investigate SpAds, although NDNA commits to increasing the responsibility of ministers for their special advisors.

Following complaints, the Commissioners will provide findings but will not recommend any sanctions. Those are for the Assembly to decide, including its Committee on Standards and Privileges, which will now include three independent lay representatives (as is already the case at Westminster).

Politicians and the Commissioners themselves will have to prove the adequacy and credibility of these arrangements. There is no direct oversight of SpAds in these arrangements, and consideration should be given to whether this is sufficient especially after the problems of unenforced rules seen in RHI. Furthermore, given they will be appointed by the main parties in the Executive, the three Commissioners' independence may be questioned. The Commission must show its independence and its ability to champion ethics and propriety in government, like the Committee on Standards in Public Life in London.

NDNA also seeks to create a more stable foundation for **civil servants** to speak their minds. There is no direct oversight of SpAds in these arrangements, and consideration should be given to whether this is sufficient especially after the problems of unenforced rules seen in RHI. This is undoubtedly right in principle, given that the importance of joined up government is recognised by everyone. But it is not clear what the practical implications of this will be.



The UK Government has put in place a number of **funding conditions** aimed at increasing fiscal and budgetary sustainability in Northern Ireland's public finances.

As well as the independent Fiscal Council, there will be quarterly reviews by a new Joint Board chaired by the Secretary of State for Northern Ireland about how UK government funding provided for NDNA has been used. This Joint Board will look in particular at the transformation efforts in health, education, justice and education.

NDNA overall

New Decade, New Approach makes important progress – or, rather, makes commitments to make progress – on some but not all of the issues that have held back good government.

Purpose and vision – NDNA commits the Executive to delivering a new PfG, which could lead to improved long-term planning and necessary collaboration between departments.

However this requires a huge change to how government works, amounting to a transformation of previous culture and behaviour. Similarly, difficult choices need to be embraced not avoided. And none of this will amount to anything without a non-stop pursuit of delivery of improved outcomes.

Competence – NDNA commitments here are limited in scope and clarity. More is needed.

Standards – the deal contains lots of commitments to rules and structures (and there are likely to be more after the RHI report). Many of these are welcome but, again, a culture change is required.

In the past there was limited cost for breaking rules or ignoring standards of conduct. Effective enforcement, including suitable disciplinary procedures, is vital.

The key will be in how NDNA is implemented. If done well, it could transform how government here works. Token efforts will not be sufficient, and neither will returning to Stormont's previous ways of working. *New Decade, New Approach* must be pursued seriously and in full.

Ten areas for action

Based on the ten features of effective government, here is how the Executive, Assembly and civil service needs to act to improve government in Northern Ireland.



A common purpose

The Executive must develop a sense of common purpose and shared vision. Genuine cross-department working (including shared budgets) is essential. If used well, the Programme for Government could be the tool to help drive this change in culture.



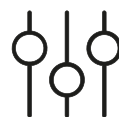
A clear focus on delivering improved outcomes

The Executive should show how it will plan, deliver and monitor departments' actions to ensure that Programme for Government commitments translate into real changes in people's lives.



Makes tough choices

The Executive should demonstrate an ability to make collective tough choices on critical issues like public service rationalisation, for example through genuine reform in health and social care and other public services.



High levels of competence

The civil service must ensure that staff have sufficient expertise to make correct recommendations to ministers about policy development and delivery, and seek external support where they do not.



Makes decisions for the long-term

The Executive should commit to planning for the long-term. A new external body could provide advice on the development of the Programme for Government, including assessing whether its current plans put Northern Ireland on track for 5, 10 and 20 years from now.



High ethical standards

Ministers, Special Advisors and civil servants should adhere to rules set out in *New Decade New Approach*, with effective enforcement by new Commissioners for Ministerial Standards and the Assembly's Committee for Standards and Privileges.

Ten areas for action

Based on the ten features of effective government, here is how the Executive, Assembly and civil service needs to act to improve government in Northern Ireland.



Proper scrutiny

The Assembly and its committees should ensure more rigorous scrutiny of policy development and delivery. The Executive should provide all necessary information to committees.



Engagement of those outside government

Academia, interest groups, think tanks and the public should be much more involved in public policy development and scrutiny. The Executive and civil service should enable this engagement by making information and opportunities available, for example in the development of the Programme for Government.



Transparency and accountability

Ministers, Special Advisors and civil servants should demonstrate how they made decisions and keep proper records.



Commitment to value for money

Executive and civil service should re-commit to ensuring value for money for all spending.



Conclusion

The return of the Executive is welcome. *New Decade, New Approach* is an ambitious agenda to address many of Northern Ireland's public service challenges. To be successful, NDNA must be matched by a serious commitment to change how government has worked here. This report sets out some of the problems of the past, and offers suggestions on where the Executive, Assembly and civil service should change to work more effectively in the future. The success of the Executive, and the much-needed improvement across public services, rely on these issues being recognised and changes made in response.