



Northern Ireland Council for Voluntary Action

Comments on the Review of Public Administration in Northern Ireland Further Consultation

September 2005

CONS-492

1. Introduction

- 1.1 NICVA is the umbrella body for the voluntary and community sector in Northern Ireland, with over 1,000 member organisations. We welcome this opportunity to respond to the second phase of the Review of Public Administration and have appreciated the co-operation of the Review team in speaking to voluntary and community groups to explain the current proposals and to receive feedback and questions.
- 1.2 We welcome specific mention in the document of the role of the voluntary and community sector both in service delivery and in helping to shape local services and articulate local needs. The sector in Northern Ireland already plays a significant role in the delivery of public services, to the value of at least £30 million. We also welcome the commitment to partnership working between public, private and voluntary sectors as a key feature of the proposed new arrangements.

2. General comments

- 2.1 Responses from the voluntary and community sector to the first round of consultation on the Review of Public Administration emphasised a role for the sector in both delivering and advocating for services, a customer-focused agenda and the need for continuity in transitional arrangements. We would re-emphasise these points and stress that we see no ‘tension’, as identified in the document, between the roles of advocacy and service delivery, as it is the experience of delivering services on the ground that often informs advocacy work seeking to bring about changes where they have been found to be needed.
- 2.2 We would restate from our initial response that: “The Review of Public Administration needs to take into account that society in Northern Ireland is changing. Our society is gradually becoming more diverse and an increasingly educated and articulate public is expressing different needs and expectations. It is important that we design services and structures to meet the needs of a population that is ethnically and culturally diverse, which incorporate human rights and equality standards as the norm.”
- 2.3 NICVA welcomes the assertion that “the review team has been mindful of the need to address equality, social need, human rights and rural issues.” We are of the opinion that the structures that flow from the Review also need to embody government’s recent policy ‘A Shared Future.’ The new arrangements need to provide a delivery mechanism for government’s stated aim of building a shared society.
- 2.4 We would also stress that principles of sustainable development should inform the design and work of all new structures.

- 2.5 As a general comment we would also like to stress remarks made in our initial consultation response: “it is important in any discussion of public services to recognise that citizens are not ‘consumers’ in the normal sense of the word. The relationship between the citizen and the state is not the same relationship as that between the consumer and Marks & Spencer. Citizens contribute to public services as a tangible, collective expression of social solidarity which characterises our welfare state. We do not necessarily get back exactly what we pay in and it is therefore inappropriate in a document such as the Review consultation document to adopt a consumerist language or model.” We are disappointed that consumerist language is used again in this document in relation to public services. This means that there is an absence of a vision of public services as something delivered to and with active and empowered citizens.
- 2.6 We have an overall concern about gender balance in the new structures. It is well known, as the consultation document acknowledges, that women are under-represented in public life. Many of the Review’s proposals have the potential to make this situation worse unless new safeguards are built in to encourage and enable women to participate in elected office and in those remaining bodies operating under a public appointments system. We share the view of Dame Rennie Fritchie, former Commissioner for Public Appointments, that the issue of accountability of elected members versus that of those selected under public appointment is not always as clear cut as it seems, with public appointments allowing for balance and consideration of expertise. We also agree with Dame Rennie in pointing out that, because councillors are predominantly male, “an increase in their number nominated to Boards would run counter to the important objectives of building equality and increasing diversity in public appointments.” Since no elected representatives come from minority ethnic communities, the same points apply.
- 2.7 NICVA recommends that the massive need for capacity building which will be required to implement these proposals – for councillors, for public sector staff and for members of local communities and the voluntary and community organisations they work with – should be factored in and properly resourced at the earliest possible stage. Participative structures depend upon informed participation and this does not happen naturally, it must be supported and developed.

3. Two tier model

- 3.1 The two-tier model proposed whereby policy and strategy is the responsibility of the regional tier and delivery occurs largely at the local tier, appears to make sense. The coterminosity proposed will offer the potential for much more integrated planning and delivery at local level, plus greater local accountability. We particularly welcome the proposal that public services would be ‘citizen-centred’ and that all providers would work in an integrated way, possibly ‘delivering services through shared local offices or hubs.’
- 3.2 The liaison arrangements between the two tiers are crucial and must be carefully developed as there currently seems to be very little formal liaison

between central and local government. The relationship between policy and operation needs to be fully integrated, which means that local government must also be involved in the formulation of policy. It is also vital that there is absolute clarity as to where the locus of responsibility lies for each issue.

- 3.3 This model raises issues of monitoring of implementation. Who will monitor whether policy is being implemented at local level and to a reasonable standard across Northern Ireland? The document mentions monitoring of standards at the regional tier but it is unclear what arrangements would exist for ensuring implementation. Implementation must be consistent and must be seen to be so. For example, in keeping with many in Northern Ireland, NICVA believes that an Environmental Protection Agency should be established here to bring us into line with the rest of the UK, Ireland and the rest of Europe. This modernising body, which would be able to regulate and ensure that the law is enforced, would need to operate at an intermediary level between implementation by councils and policy making by the centre.
- 3.4 We believe that the voluntary and community sector has a complementary role to play at both proposed levels of governance. It is easy to see the sub-regional role in local activities, development and service provision, but there is also a well-developed advocacy and policy development role at regional level, where organisations which have built up expertise across the region are able to feed their experiences into decision-making at departmental level, as well as into designing and refining delivery on a more localised basis. It is essential that the voice of voluntary and community organisations continues to be heard at the regional, policy-making level.
- 3.5 NICVA believes that the Review presents an opportunity to revitalise communities by reconnecting local people with the decisions which shape their lives and creating vibrant structures that inspire people to become involved in helping to determine the outcomes for their own area.

4. Local government

- 4.1 Based on the evidence presented, NICVA considers that the seven council model is the best option. This appears best to reflect the principles of effectiveness and efficiency and provides the closest to 1:1 coterminosity. We also consider it important, in keeping with our commitment to reducing inequalities, that the potential to create a very uneven distribution of underlying property wealth bases between new council areas is minimised. It would not be desirable knowingly to create new councils, some of which are 'richer' and some of which are 'poorer', when there is a way to create a more equal structure. Seven councils will not only create the most equal property wealth base but will also partially obviate the need for equalisation payments to form a large part of council income, thus retaining a more direct link between what councils raise and what they spend. However, as mentioned below, there will still be a need for a mechanism to top up budgets where the need for services is greater than the property wealth base can generate.

- 4.2 In addition we can see benefits that larger councils will bring such as a critical mass, greater potential for more service delivery and a stronger voice in policy and decision making.
- 4.3 We note the research on local identity carried out for the Review which indicates that people's sense of identity is connected to much smaller units than council boundaries or administrative units. It therefore seems to be important that although variations in local needs and specific local circumstances must be factored in to the design and structure of new councils to ensure that they are responsive to local issues in their decision making and resource allocation, issues of local identity do not necessarily provide any sound basis for determining the number of councils that would work best. Since the research shows that a sense of participation is closely linked with a sense of local identity, new structures must allow citizens to feel they have a real voice in local decisions which affect their lives and have appropriate access to their elected representatives.
- 4.4 As we also commented in our response to the first consultation: "The Review is attempting to examine two connected issues – the delivery of public services and the structures for local governance. It seems clear that in the interests of improved governance, representation and advocacy should be devolved to the lowest possible level. However, this does not necessarily imply that service delivery or policy decision making should also be at that level." Any new arrangements should not merely be focused on the best models for service delivery; rather they should take into account the best models for democratic representation of the interests of citizens and for deliberative decision making.
- 4.5 Access to services has been an issue that has featured prominently in the Review process. NICVA believes that fully accessible, high quality public services would make a massive contribution to an anti-poverty strategy in Northern Ireland. All the proposed new structures have the potential to make a contribution to decreasing inequalities, since all public services, not just education and health, can play a major role in determining an individual's life chances.
- 4.6 The sector's relationship with local government has been problematic in some areas and there is a real fear that valuable work and good practice will be lost when responsibility for services is transferred. It is entirely possible that bodies which are given responsibility for services for the first time will want to make their own delivery arrangements because it is within their power to do so, destroying work and partnership arrangements which may have been developed over a number of years by local voluntary and community organisations. An internal focus during the period of change would not deliver the best outcomes for service users. Some of this might involve ending contract funding on which voluntary and community organisations rely. If at a later stage it is realised that original arrangements did work well, the voluntary and community organisations involved may not be in existence to go back to. We would therefore like to see that a 'blank slate' approach is not adopted wholesale and for its own sake where local services are already being delivered in a way that is effective and efficient by voluntary and community

organisations. We would also like good practice to be identified and maintained during the changeover period.

- 4.7 We note that the proposed new council responsibilities include community relations. It is essential that the Shared Future policy is embedded in the new structures and that, as proposed already by government, the Community Relations Council should monitor council plans and actions on improving good relations. Given the history of power sharing in some councils and the low priority given to community relations issues, we would propose that this responsibility only be transferred in the context of a new binding code of conduct for councillors and executive staff. Mandatory codes of conduct are in place in England and Wales and lessons could be drawn from there. To encapsulate Northern Ireland's specific circumstances we would point to the spirit of the challenge issued by the One Small Step Campaign: "I/we as a citizen affirm my/our commitment to a civil society in which all individuals are considered as equals, where differences are resolved through dialogue in the public sphere, and where all citizens are treated impartially. To that end I/we will oppose sectarianism, racism and all other manifestations of intolerance and violence." Remarks made by some local councillors about Travellers in the recent past provide an example of where a code of practice could come into force.
- 4.8 Voluntary and community organisations could also play a key role here as they have developed expertise over a number of years in working across divides and developing shared spaces and models of participation. Without the kind of 'bottom-up' approach that local organisations can bring, council-led initiatives are unlikely to succeed.
- 4.9 NICVA supports the power of wellbeing being granted to councils. However, there are very real fears about sectarian imbalances in new councils. While we welcome the short section in the review document on 'Safeguards and Standards', we feel that this could be strengthened if the power of wellbeing was made contingent upon the ability of councils to prove that power is being shared in its executive body.
- 4.10 With a smaller number of larger councils, people may perceive the gap between them and decision-making structures to be widening. Voluntary and community organisations may be able to play a constructive role here, particularly in rural areas where there will be considerable physical distances between where a council is headquartered and those living in the rural hinterland. In order to be able to play a role in connecting people to decision makers, voluntary and community sector infrastructure must be supported, as mentioned above. To ensure efficient structures to connect local communities to larger councils, the Review should either prescribe what structures are needed or place a requirement on councils to consult on and develop local structures. This is particularly important in ensuring that the voices of the most marginalised are heard and is key to delivering on the equality and human rights agendas. These structures could also feed into the community planning processes.

- 4.11 The proposal for civic councils is an interesting one, where elected representatives from an area could form the core of a structure which is closer to local issues than the full council can be. If these are to be developed there is a lot that could be learned from the models of social partnership embodied in the current Local Strategy Partnerships. Civic councils have the potential to increase diversity in representation, which is an issue highlighted above, particularly as it relates to women and minority ethnic communities. However, it is important to note that the elected councillors who form the core of the civic council will most likely be overwhelmingly male unless specific measures, such as quotas, are introduced. It will also be important to clarify how others will be selected or nominated onto these bodies.
- 4.12 The one-stop shop or ‘no wrong door’ which we favoured in our initial submission seems to be possible in the integrated model with shared boundaries proposed by the Review. The model adopted by Donegal County Council seems to show a working model of more joined up contact with the public. The council, with public service centres instead of council offices, combines on each site field staff from other agencies along with council functions. This model offers not merely co-location of services but the potential for more integrated services at point of need. The local library, advice centre and other services could also be located on the same site. This model also offers a way to ensure that there is proper access to services in rural areas. Civic councils could coincide with local service centres, acting as local area committees of the council.
- 4.13 Dual mandates remain a serious concern as new governance structures are developed. NICVA believes that this issue needs to be addressed as part of any restructuring of public administration responsibilities. The document makes reference to this but we would welcome a time frame in which dual mandates would be phased out as it would be unacceptable to have both delivery and monitoring carried out by the same people, not to mention decisions on resources being made by those who then have responsibility for spending them. The freeing up of more political seats would also provide an opportunity to redress the imbalance of white, male representatives.
- 4.14 NICVA would urge the Minister to consider the implications of new ways of integrating and delivering services in the context of the ten year infrastructure investment strategy for Northern Ireland being implemented by the Strategic Investment Board. It is vital that good decisions are made now as to where money will be spent on infrastructure, allowing us to design services for the 21st century not necessarily built on the models we currently have. This also needs to include consideration of the location of council and other public service premises and offices, which should take into account the spread of jobs and infrastructure across Northern Ireland. As we know, current development patterns favour the east at the expense of the western areas of the region, which consequently suffer from poorer infrastructure and investment. This is a vicious circle which needs to be broken and the RPA prevents the ideal and timely vehicle for doing so.

- 4.15 We are also concerned that yet another government plan is predicated on PPP/PFI as being a value for money option which produces optimal outcomes. We have yet to see the evidence to support this assumption.
- 4.16 In terms of the new areas of responsibility to be given to councils, we see potential for confusion in areas such as Neighbourhood Renewal, for which councils will ultimately have responsibility under urban and rural development, but which is currently under the control of DSD. Where a long-term policy or programme is in operation, as in this case, there must be a careful transition so that work is not lost and relationships that have been built up over a number of years are not discarded. In the same vein, there will be a need for consistency of investment across the most deprived areas in Northern Ireland. This type of investment should not necessarily be tied to the local rates as additional top-up investment may well be needed in some areas, as mentioned above.
- 4.17 The fact that councils are being given responsibility for community development should not preclude all agencies working in communities adopting a community development approach. The responsibility for helping communities to engage and develop must be shared with all service providers. However, in this context, the council should provide a welcome focus for the funding of community development work.
- 4.18 We agree, as the document states, that it makes sense to group together ‘families’ of services such as planning, economic development, urban and rural regeneration and environmental improvement so that all may be managed better in an approach that is greater than the sum of its parts. It is key, as stressed in other parts of this response, that councils act as enablers, not solely as deliverers. These groups of services could be developed to best effect with the combined input of public, voluntary and community, and private sectors.
- 4.19 On the question of local roads NICVA favours option three, that is that responsibility for public realm aspects of local roads be transferred to councils along with arrangements to give councils greater influence over maintenance, safety, transportation and improvement schemes and to discuss with the Minister each year’s programme for work. This option retains greater value for money with an integrated network and traffic management while providing greater local control over important aspects of the local road network. It also provides councils with the opportunity to improve the shared public space aspect of local roads, particularly where they constitute the main access routes through towns and villages. The opportunity to make these public routes neutral and unthreatening spaces should be taken by all councils.
- 4.20 On the issue of libraries we believe that the link with education should be maintained. However, as mentioned above, if councils were to operate local service centres, libraries could be located alongside other services where they could be accessed for wider community benefit and be closely linked with other provision. Creating a new, single library authority would be adding to, rather than reducing, the number of public bodies and is unnecessary. The other options suggested offer less coherence and greater fragmentation.

5. Community planning

- 5.1 The proposals for community planning are possibly the most transformative part of the consultation document, as they will allow for local voices to be heard in an integrated planning process that takes into account all the needs of an area. Northern Ireland needs to learn from experiences in England and particularly Scotland, where similar models are being implemented already. One immediate point of note is that in Scotland extensive exploration and preparation was undertaken before community planning was embarked upon. It will be necessary to establish a model that fits Northern Ireland's circumstances and to spend time working with all appropriate partners, including the voluntary and community sector, to explore what this might be, how it might operate and what structures and resources will be needed to ensure its success.
- 5.2 NICVA welcomes the recognition in the document that "community planning would provide an opportunity for the voluntary and community sector to contribute to the development of a strategic plan for the local area and fulfil a role as key partners in the planning, co-ordination and delivery of services." A community planning model in a structure of larger councils presents the opportunity for an enhanced role for voluntary and community organisations in involving people and informing them in community planning processes. It will not be either easy or feasible to mobilise large numbers of individuals to participate in a meaningful way in community planning without local structures to inform, encourage and support participation. Yet without genuine community participation, the process will not succeed. Voluntary and community organisations are well placed to provide this function as they have been developing experience in facilitating participation and consultation over a number of years. However, this will not be possible if local networks of organisations are not sustained and resourced to do the necessary work.
- 5.3 We believe there is real confusion over what the term community planning actually means and would suggest an alternative name be found. Many understand the current term as community involvement in land use planning which creates great potential for confusion. It may be wise to adopt a different terminology for this concept, such as integrated planning or service planning.
- 5.4 NICVA endorses the recommendations made by Community Technical Aid after their consultations with voluntary and community organisations in May 2005. These suggest that the main elements of a community planning model for the region would need to focus on and include:
- a statutory basis for community planning;
 - community planning at two levels — council wide and smaller rural and urban localities in the interests of protecting local identity and maximising involvement;
 - a legislative requirement for all community planning partners to fully co-operate in the process;

- a process robust enough to ensure meaningful community engagement and genuine partnership working by all sectors;
 - the need for an agreed framework from the outset as established by the statutory guidelines on community planning in Scotland and the Compact model developed between the council and the voluntary and community sector in Edinburgh; and
 - community planning partnerships founded on equity, inclusion and equality of participation by the sector.
- 5.5 We also support the call for the establishment of a community planning working group, composed of equal representation from the public and voluntary and community sectors plus representatives of other social partners, similar to the Community Planning Taskforce set up in Scotland, prior to the introduction of the model there.
- 5.6 We welcome the fact that independent comparative research has been commissioned into similar UK and Irish integrated planning models so that we can learn from best practice what model might be devised to suit the specific needs of Northern Ireland.
- 5.7 It would be useful to explore some of the other models in use in other parts of the UK such as the use of community panels in parts of Scotland and England, for example, Telford and Wrekin Borough Council and the use of citizen’s juries and other innovative participative methods on important decisions.
- 5.8 It would also be useful to explore the potential for community planning to facilitate joint commissioning of services where good outcomes depend on fully joined-up working. For example, in children’s services, joint commissioning of health and education through children’s service planning should be made possible.
- 5.9 Although community planning is not only, or even primarily, about land use planning, this will still form a part of its considerations. NICVA would recommend that whatever structures are agreed for land use planning, it should not simply be handed over to another body in its current form. The system is clearly not functioning at present and needs to be reviewed and changed before it can be effectively operated within any new set of structures.

6. Role of the voluntary and community sector

- 6.1 NICVA welcomes mention of the Compact between government and the voluntary and community sector in the consultation document. The Compact contains important commitments and enshrines a set of principles which should apply to all new structures and their interactions with the sector. New arrangements will require new relationships; the Compact must form the basis of those relationships and its spirit should inform them. We would recommend that all new bodies, especially the new councils, should formally adopt the Compact and eventually contribute to the Partners for Change Strategy which is the outworking of the Compact’s principles. We also believe that the potential for local Compacts should be explored.

- 6.2 The consultation document also recognises the reality of the voluntary and community sector's current situation in a tightening funding climate. It points to government's document 'Positive Steps' as a framework for more secure funding. Positive Steps takes a strategic view of the sector's future, but does not answer all questions on future funding. We recognise that ultimately local councils will play a key role in the sector's funding arrangements, and in providing a secure infrastructure to help the sector develop and adapt. As indicated in our response to the former stage of the Review consultation, in some areas voluntary and community groups have not had a great deal of trust in their local council and have had bad experiences in the process of agreeing community support plans. It is imperative that new councils do not seek automatically to deliver all community services themselves, displacing existing quality provision within the voluntary and community sector. There is a need to develop more mature funding relationships between councils and the sector and to develop funding expertise in the new council structures.
- 6.3 The overall thrust of the Review which simplifies arrangements and attempts to join up the different parts of the public sector is very much in the interests of voluntary and community organisations. Often organisations are working with complex problems which do not easily break down in to departmental areas of responsibility or budgets. A holistic approach through community planning and coterminosity of structures would allow joined up work on the ground to be matched with more joined up arrangements at policy and funding level.

7. Health

- 7.1 Given our choice of seven councils as the best option, NICVA believes that seven health bodies will offer the best integration of services within council boundaries, notwithstanding the fact that not all will be able to provide the full range of acute and local hospital services. We think that this will be balanced by the benefits of 1:1 coterminosity and the potential for planning and joint working that will arise from it.
- 7.2 We note that Professor John Appleby in his report of July 2005 states: "The Review of Public Administration's recommendations for reconfiguring health and social care organisations - in particular, the creation of around five Health and Personal Social Services agencies - in effect reinvent a pre-1990 English NHS model in which health authorities received weighted capitation allocations, planned services and directly managed (and set budgets for) the hospital providers in their area. However, despite acknowledging that there *'must be clear lines of accountability to the Department and the Minister for expenditure, quality and performance'*, and while noting that performance management remains the remit of the Department, it is not clear in this model how performance improvements are actually to be achieved. In particular, it remains to be seen how providers are to be held to account for their performance. While 'partnership and integration' can generate good things for patients and users, there is a distinct danger that the performance model

implied by the RPA's structural reform could fail to provide the necessary incentives and sanctions - or 'bite' - to encourage providers of services to continually seek out new ways to improve their performance."

- 7.3 While we are sceptical of Professor Appleby's proposed solution which involves separation between purchaser and provider, we share the concern that proper accountability for quality and incentives for change and improvement must be clearly built into the new system.
- 7.4 A vision for a modern healthcare system should have a much less rigid divide between acute care and care delivered in communities. The vision from the Hayes review of 'hospitals without walls' is the direction in which we would like to see things moving. The new structures must not cement existing divisions within healthcare but offer the flexibility for the full spectrum of care to respond to need. Health is a key public service for reducing the major inequalities in our society. We already know that health outcomes are largely determined by social class and NICVA believes that new health structures have a major role to play in tackling poverty as part of a new strategy.
- 7.5 NICVA agrees strongly that there is an important role for local government in highlighting public health issues to a new regional body. We also note Professor Appleby's call for greater emphasis on public health and health promotion, "considerable effort will be needed to engage the Northern Ireland population through expanded public health services and other means" and feel that this should have greater prominence within the new structures — something for which we have called many times in our responses to Programmes for Government.
- 7.6 We welcome the statement on public engagement in the consultation document: "Under the proposed new structures, DHSSPS would expect the new Agencies to develop innovative and imaginative processes to involve service users, carers and the public in drawing up their plans and priorities for delivering services and to listen to and take account of the views of local communities on how they should be delivered."
- 7.7 If the Board of each new agency is to have public appointees, we reiterate our comments at the beginning of this response in relation to gender balance and to representation from parts of the community which are under-represented and where particular expertise lies.
- 7.8 The proposal to replace the four HSS Councils with a single body will be acceptable if the local offices proposed are fully accessible to users and widely publicised. This local focus will be the key to the Council's interaction with health service users.

8. Education

- 8.1 The model proposed for education services removes a great deal of the fragmentation of current services, making sharing of services a much more realistic possibility in the future. All of this is timely given recent

developments in education in Northern Ireland such as the Costello report and the curriculum review. The issue of falling school rolls, coupled with the changes we are likely to see in future as Northern Ireland becomes a more diverse society and requires an education system to match, mean we have to design a system which can both integrate services and adapt to change, while delivering the vision of A Shared Future.

- 8.2 It is hard to see, however, why there is a need for two new central bodies, rather than one. It will also be very important to clarify exactly what advisory role the former service delivery bodies such as NICIE, CCMS and CnaG will play and what status their advice will have.
- 8.3 While seeking to maintain the local ethos of schools, it is crucial that regional standards are maintained. The quality of all public services should be location-neutral. Given that the educational outcomes of our current system include both the very best and the very worst in the UK, the new system must guarantee a quality educational service for every child and can be a key driver in reducing inequalities and poverty by enhancing an individual's life chances at an early age. The new structures must provide the vehicle for policy changes which will improve outcomes.
- 8.4 It is also important that the consultation document recognises that schools are a central community resource. As such, they could play a much greater role in integrated public service delivery than is currently the case.
- 8.5 NICVA welcomes the commitment not to centralise staff and resources in the process of reconfiguring services. As mentioned in other parts of this response, regionalisation of jobs and services is crucial to balanced development in Northern Ireland.
- 8.6 The role of the youth service is one which we would like to see remain aligned with education, as there are concerns that handing these services over to local councils would break that link and move youth services towards a leisure model. However, we do recognise the benefits of youth services having close links to councils, even if responsibility for delivery does not lie there. Close links would both encourage young people to become involved in local issues, showing that political involvement is relevant and can help them, and encourage councils to keep the needs of young people on their agenda. NICVA would also like to see functioning local youth councils for each new council area. The voice of young people should be built, in a structured way, into the new arrangements.

9. Public Bodies

- 9.1 NICVA agrees with the proposal that public bodies should continue to exist with every effort being made to improve their accountability. We also agree that the future of Executive Agencies should be decided by a future Assembly. We have no basis from which to comment specifically on many of the long list of bodies in the consultation document, however we believe that the following bodies should be maintained as they are: NI Housing Executive, Equality

Commission, NI Commissioner for Children and Young People and Housing Associations, which should retain their current status.

- 9.2 Arts organisations in the sector wish to retain a separate body, but not the Arts Council in its current form, for the purposes of dealing with strategy and acting as a well-informed, responsive, modern, champion for arts development at arm's length from government arts funding. Such an agency could deal with regional and international issues, providing policy guidance and, where necessary, co-ordinating actions across local authorities, encouraging experimentation and innovation and filling gaps in provision.
- 9.3 It would be useful if the Housing Executive could realign its administrative boundaries after the implementation of the Review outcomes to ensure that they connect appropriately with the new structures.
- 9.4 We do not understand why the Human Rights Commission is not mentioned in the document. Aside from the fact that human rights principles need to underpin the new structures, this body should surely be listed alongside the Equality Commission.

10. General

- 10.1 We note that the consultation document states that any financial savings made from the reorganisation of public administration will go to frontline services. It has not been NICVA's experience so far that this has happened when it has been promised. Voluntary and community organisations delivering frontline services have had their budgets severely cut in the latest round of public sector efficiency savings which were designed to release further funds for frontline services, not draw resources away from them. This must not happen on a huge scale with the implementation of the Review outcomes.
- 10.2 We also identify a problem in the document in that the structures are predicated on a presumption of working devolution. While we strongly support the return of devolution, we need to ask whether these structures can function effectively with or without the Assembly in place.
- 10.3 We would also like to note a concern about public service staff during the transition period and the management of change in services where change seems to have been the constant in recent years. Demoralised and undervalued staff will not be able to deliver the high quality public services that we need.

11. Equality considerations

- 11.1 The RPA consultation is taking place at the same time as consultation on *The Section 75 Equality Duty – An Operational Review* that analyses aspects of the operation of the statutory duty to date. It recommends inter alia more research into international best practice in equality proofing, consideration of long-term sustainable consultation mechanisms and resourcing participatory policymaking. Many submissions to the review raised the persistent practice of

ignoring the need for EQIAs on high-level decisions with resource implications.

- 11.2 The Review of Public Administration is guilty of this practice. At paragraph 10.1 the document states that ‘In the absence of final decisions, it is not possible to assess the impacts of the proposals at this stage.’ It goes on to say that information on equality and other issues will need to be considered in the further development of the model and in future sectoral equality impact assessments (EQIAs). NICVA would oppose this approach because initial screening demonstrates differential impact on many categories which should lead to a full EQIA. Moreover the absence of an EQIA at this stage militates against good policymaking – what is the point of sectoral EQIAs when decisions have already been taken about policy direction and budgets? Surely it would be more useful to provide assessments of the various models to inform the choice of the most effective option.
- 11.3 Furthermore NICVA is becoming sceptical about the will to operate the screening process in the proper manner. The document states at 10.13 that detailed proposals for change will be developed and will, depending on separate equality screening, be subject to separate sectoral EQIAs. One of the more ominous developments among public bodies has been the ‘misinterpretation’ of mainstreaming equality of opportunity to avoid the need to screen in policies for EQIA.
- 11.4 The document provides ample statistics about differential access to public services, employment patterns and the distribution of wealth yet does not attempt to analyse the data and draw conclusions. For example, the terms of reference (10.7) state that the RPA ‘should ensure that Section 75 and New TSN policies are fully considered and that the opportunities to decentralise services, and related employment opportunities, are also examined.’ Yet there is no discussion about the extent of the ‘east of the Bann drift’ and how the proposals could be used to redress some of the disparities. Suggestions about promoting fair employment by moving some top-level departmental jobs outside Belfast have not been considered despite the terms of reference.
- 11.5 As mitigation, the document seems content to confine itself to good intentions and suggestions that community planning and other initiatives such as new TSN and the Workplace 2010 project ‘will minimise any potential equality, New TSN and rural impact.’ NICVA does not share this optimism - not only because local authorities are under no statutory obligation to carry out new TSN analyses, but also because experience has taught us that equality considerations are lost if they are not given priority at the highest level. Therefore as a start, a full EQIA and New TSN analysis are needed and steps should be taken to ensure that local authorities have statutory obligations under New TSN, otherwise there is nothing to stop TSN-related increased funds being used for other purposes.

12 Next steps

- 12.1 We welcome the proposal for a Public Sector Staff Commission. A debate now needs to take place around the shared public value of public service provision which can help revitalise the ethos of public service and create a shared vision with citizens of why the ‘public’ nature of these services is so important. This body could play a valuable role in that process.

- 12.2 NICVA would recommend an implementation group to oversee and report publicly on the various stages of the review. This will help to build public confidence, keep people informed and ensure that planned changes are happening as envisaged.